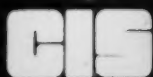


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IDAHO FOREST MANAGEMENT ACT OF 1989

HEARING
BEFORE THE
SUBCOMMITTEE ON
PUBLIC LANDS, NATIONAL PARKS AND FORESTS
OF THE
COMMITTEE ON
ENERGY AND NATURAL RESOURCES
UNITED STATES SENATE
ONE HUNDRED FIRST CONGRESS
FIRST SESSION
ON

S. 371

TO DESIGNATE CERTAIN NATIONAL FOREST SYSTEM LANDS IN THE STATE OF IDAHO FOR INCLUSION IN THE NATIONAL WILDERNESS PRESERVATION SYSTEM, TO PRESCRIBE CERTAIN MANAGEMENT FORMULAE FOR CERTAIN NATIONAL FOREST SYSTEM LANDS, AND TO RELEASE OTHER FOREST LANDS FOR MULTIPLE-USE MANAGEMENT, AND FOR OTHER PURPOSES

JULY 20, 1989



Printed for the use of the
Committee on Energy and Natural Resources

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IDAHO FOREST MANAGEMENT ACT OF 1989

THURSDAY, JULY 20, 1989

U.S. SENATE,
SUBCOMMITTEE ON PUBLIC LANDS,
NATIONAL PARKS AND FORESTS,
COMMITTEE ON ENERGY AND NATURAL RESOURCES,
Washington, DC.

The subcommittee met, pursuant to notice, at 1:35 p.m. in room SD-366, Dirksen Senate Office Building, Hon. Dale Bumpers, presiding.

OPENING STATEMENT OF HON. DALE BUMPERS, U.S. SENATOR FROM ARKANSAS

Senator BUMPERS. The subcommittee will come to order. The purpose of the hearing today is to receive testimony on S.371, the Idaho Forest Management Act. S.371 would designate approximately 1.4 million acres of National Forest System lands as wilderness; place an additional 764,000 acres in special management areas; and release the remaining 7 million roadless acres of forest land in Idaho to multiple use management.

Twenty-five years ago this fall the Wilderness Act was signed by President Johnson—seven years after Senator Hubert Humphrey introduced the first wilderness bill. With the passage of the Wilderness Act, 9.1 million acres of national forest land became the first component of the National Wilderness Preservation System. Today, the Wilderness System contains almost 91 million acres which are administered by the Forest Service, the Bureau of Land Management, the National Park Service and the Fish and Wildlife Service. Few of those acres, however, were added without hours of debate and significant contention regarding the resource conflicts involved.

Like other wilderness bills, the Idaho Forest Management Act has faced its share of controversy. While I will withhold opinion on the merits of the bill until such time as I have studied it more thoroughly, I would like to commend Senator McClure and Governor Andrus for their monumental efforts to develop a bi-partisan compromise. They have weighed into a very heated debate in an attempt to find a middle ground, and have endured a great deal of criticism for their efforts.

I want to welcome all the witnesses who will appear before us today. Because we have only a limited amount of time available for the hearing, we are asking witnesses, with the exception of the Governor and the Congressman, to please limit your testimony to 5 minutes.

At this time, I will place a copy of the measure in the hearing record which will remain open for 2 weeks to receive additional comments and materials.

[The text of S. 371 follows:]

101ST CONGRESS
1ST SESSION

S. 371

To designate certain National Forest System lands in the State of Idaho for inclusion in the National Wilderness Preservation System, to prescribe certain management formulae for certain National Forest System lands, and to release other forest lands for multiple-use management, and for other purposes.

IN THE SENATE OF THE UNITED STATES

FEBRUARY 7 (legislative day, JANUARY 3), 1989

Mr. McCLURE introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

A BILL

To designate certain National Forest System lands in the State of Idaho for inclusion in the National Wilderness Preservation System, to prescribe certain management formulae for certain National Forest System lands, and to release other forest lands for multiple-use management, and for other purposes.

- 1 *Be it enacted by the Senate and House of Representa-*
- 2 *tives of the United States of America in Congress assembled,*
- 3 That this Act may be cited as the "Idaho Forest Manage-
- 4 ment Act of 1989".

1 TITLE I—FINDINGS, PURPOSES, WILDERNESS
2 AND SPECIAL DESIGNATIONS

3 SEC. 101. (a) The Congress finds that—

4 (1) certain areas of undeveloped National Forest
5 lands in the State of Idaho possess outstanding natural
6 characteristics giving them high values as wilderness
7 and will, if properly preserved, contribute as an endur-
8 ing resource of wilderness for the benefit of the Ameri-
9 can people;

10 (2) review and evaluation of roadless and undevel-
11 oped lands in the National Forest System of Idaho
12 have identified those areas which, on the basis of their
13 landform, ecosystem, associated wildlife, and location,
14 will help to fulfill the National Forest System's share
15 of a quality National Wilderness Preservation System;
16 and

17 (3) review and evaluation of roadless and undevel-
18 oped lands in the National Forest System in Idaho
19 have also identified those areas which should be spe-
20 cially managed under a prescribed formula designed to
21 allow timber harvesting while protecting and mitigating
22 damage to fish and wildlife resources and also identi-
23 fied other areas which should be specially managed for
24 recreational access only; and

(4) review and evaluation of roadless and undeveloped lands in the National Forest System in Idaho have also identified those areas which should be available for multiple uses other than wilderness, subject to the Forest Service's land management planning process and the provisions of this Act.

(b) The purposes of this Act are to—

(1) designate certain National Forest System lands in Idaho for inclusion in the National Wilderness Preservation System in order to preserve the wilderness character of the land and to protect watersheds and wildlife habitat, preserve scenic and historic resources, and promote scientific research, primitive recreation, solitude, physical and mental challenge, and inspiration for the benefit of all of the American people;

(2) designate certain National Forest System lands in Idaho for special management under prescribed formulae designed to allow timber harvesting while protecting and mitigating damage to fish and wildlife resources and to designate certain other lands for special management to allow recreational access only;

(3) withdraw, subject to valid existing rights, National Wilderness Preservation System lands in the

1 State of Idaho, including those so designated by this
2 Act, from operation of the general mining and mineral
3 leasing laws in order to protect the physical character-
4 istics and wilderness values which motivated the Con-
5 gress to include these lands within the System;

6 (4) require appropriate inventory to assess and
7 document the minerals potential of National Wilderness
8 Preservation System lands in the State of Idaho in
9 order to enhance the data base; and

10 (5) insure that certain National Forest System
11 lands in the State of Idaho be made available for mul-
12 tiple uses other than wilderness in accordance with ap-
13 plicable National Forest laws and planning procedures
14 and title II of this Act. The lands referred to in this
15 paragraph may be managed for a wide variety of uses,
16 depending on their unique characteristics, including but
17 not limited to fish and wildlife protection management,
18 developed and undeveloped recreation, scenic enjoy-
19 ment, preservation of natural characteristics, range
20 management, grazing, timber harvesting, watershed
21 and vegetation management, energy and minerals ex-
22 ploration and development, and other uses.

23 SEC. 102. In furtherance of the purposes of the Wilder-
24 ness Act (78 Stat. 890), and to end the dispute regarding the
25 RARE II studies of the Forest Service lands, subject to valid

1 existing rights, the following National Forest System lands in
2 the State of Idaho, comprising approximately one million four
3 hundred and thirty-two thousand acres and generally depict-
4 ed on maps appropriately referenced, are hereby designated
5 as wilderness, and therefore, as components of the National
6 Wilderness Preservation System:

7 (a) certain lands in the Idaho Panhandle National
8 Forests which comprise approximately twenty-two
9 thousand six hundred acres as generally depicted on a
10 map entitled "Salmo-Priest Wilderness—Proposed",
11 dated January 1989, and which shall be known as the
12 Salmo Priest Wilderness;

13 (b) certain lands in the Idaho Panhandle National
14 Forest which comprise approximately fifty-four thou-
15 sand eight hundred acres as generally depicted on a
16 map entitled "Selkirk Crest Wilderness—Proposed",
17 dated January 1989, and which shall be known as the
18 Selkirk Crest Wilderness: *Provided*, That if all or any
19 portion of lands owned by the State of Idaho compris-
20 ing approximately fifteen thousand four hundred and
21 forty acres as generally depicted as "proposed legisla-
22 tive exchange" on such map are acquired by exchange
23 by the Secretary, they shall become part of the Selkirk
24 Crest Wilderness and the Secretary shall modify the
25 boundary of the area accordingly;

1 (c) certain lands in the Idaho Panhandle National
2 Forests which comprise approximately fourteen thou-
3 sand nine hundred and fifty acres as generally depicted
4 on a map entitled "Scotchman Peak Wilderness—
5 Proposed", dated January 1989, and which shall be
6 known as the Scotchman Peak Wilderness;

7 (d) certain lands in the Idaho Panhandle National
8 Forests and the Clearwater National Forest which
9 comprise approximately one hundred and fifty-two
10 thousand one hundred acres as generally depicted on a
11 map entitled "Mallard-Larkin Wilderness—Proposed",
12 dated January 1989, and which shall be known as the
13 Mallard Larkin Wilderness. The previous classification
14 of the following is hereby abolished: The Mallard
15 Larkin Pioneer Area;

16 (e) certain lands in the Clearwater National
17 Forest which comprise approximately one hundred and
18 forty-two thousand two hundred and fifty acres as gen-
19 erally depicted on a map entitled "Kelly-Cayuse Wil-
20 derness—Proposed", dated January 1989, and which
21 shall be known as the Kelly-Cayuse Wilderness;

22 (f) certain lands in the Payette National Forest
23 which comprise approximately two hundred and sixty-
24 three thousand one hundred acres as generally depicted
25 on a map entitled "Secesh-Payette Crest Wilderness—

1 Proposed", dated January 1989, and which shall be
2 known as the Secesh-Payette Crest Wilderness;

3 (g) certain lands in the Boise National Forest
4 which comprise approximately nine thousand three
5 hundred acres as generally depicted on a map entitled
6 "Snowbank Wilderness—Proposed", dated January
7 1989, and which shall be known as the Snowbank
8 Wilderness;

9 (h) certain lands in the Boise National Forest
10 which comprise approximately sixty-six thousand two
11 hundred acres as generally depicted on a map entitled
12 "Red Mountain Wilderness—Proposed", dated Janu-
13 ary 1989, and which shall be known as the Red Moun-
14 tain Wilderness;

15 (i) certain lands in the Boise and Challis National
16 Forests which comprise approximately two hundred
17 and two thousand nine hundred acres as generally de-
18 picted on a map entitled "Sawtooth Additions—Pro-
19 posed", dated January 1989, and which shall be
20 known as the Sawtooth Additions and which are
21 hereby incorporated in and shall be deemed to be part
22 of the Sawtooth Wilderness and are to be managed by
23 the Sawtooth National Recreation Area;

24 (j) certain lands in the Sawtooth National Recrea-
25 tion Area which comprise approximately one hundred

1 and fifty-seven thousand two hundred acres as general-
2 ly depicted on a map entitled "White Cloud-Boulder
3 Wilderness—Proposed", dated January 1989, and
4 which shall be known as the White Cloud-Boulder
5 Wilderness and shall be administered in accordance
6 with the Wilderness Act (78 Stat. 890) as provided in
7 section 103 of this Act, or the Act of August 22,
8 1972, which established the Sawtooth National Recre-
9 ation Area (Public Law 92-400), whichever is more
10 restrictive: *Provided*, That nothing in this Act shall
11 affect the value of any valid existing rights which may
12 have existed under the mining laws of the United
13 States prior to August 22, 1972;

14 (k) certain lands in the Challis National Forest
15 which comprise approximately one hundred and thir-
16 teen thousand one hundred acres as generally depicted
17 on a map entitled "Pioneer Wilderness—Proposed",
18 dated January 1989, and which shall be known as the
19 Pioneer Wilderness;

20 (l) certain lands in the Challis National Forest
21 which comprise approximately fifty-four thousand five
22 hundred acres as generally depicted on a map entitled
23 "Borah Peak Wilderness—Proposed", dated January
24 1989, and which shall be known as the Borah Peak
25 Wilderness;

1 (m) certain lands in the Targhee National Forest
2 which comprise approximately fifty-four thousand six
3 hundred acres as generally depicted on a map entitled
4 "Italian Peaks Wilderness—Proposed", dated January
5 1989, and which shall be known as the Italian Peaks
6 Wilderness;

7 (n) certain lands in the Targhee National Forest
8 which comprise approximately thirteen thousand five
9 hundred acres as generally depicted on a map entitled
10 "Lionhead Wilderness—Proposed", dated January
11 1989, and which shall be known as the Lionhead
12 Wilderness;

13 (o) certain lands in the Targhee National Forest
14 which comprise approximately three thousand five hun-
15 dred acres as generally depicted on a map entitled
16 "Winegar Hole Addition—Proposed", dated January
17 1989, and which are hereby incorporated in and shall
18 be a part of the Winegar Hole Wilderness;

19 (p) certain lands in the Targhee National Forest
20 which comprise approximately one hundred and fifty-
21 five thousand two hundred acres as generally depicted
22 on a map entitled "Palisades Wilderness—Proposed",
23 dated January 1989, and which shall be known as the
24 Palisades Wilderness. Within the Palisades Wilderness,
25 on and immediately around Palisades Peak, the Secre-

tary shall permit helicopter landings for recreational skiing as if the area had not been designated wilderness. Such landings shall continue either under permits issued to the existing permittee, or to such other permittee or permittees as the Secretary may authorize; and

(q) certain lands in the Caribou National Forest which comprise approximately eighteen thousand one hundred acres as generally depicted on a map entitled "Mount Naomi Wilderness—Proposed", dated January 1989, and which shall be known as the Mount Naomi Wilderness.

SEC. 103. (a)(1) There is hereby established the Bonner's Ferry Special Management Area (hereinafter in this paragraph referred to as the "area"), located in the Idaho Panhandle National Forest, and comprising approximately eighty-nine thousand eight hundred acres, as generally depicted on a map entitled "Bonner's Ferry Special Management Area" and dated January 1989. Notwithstanding any other provision of law, the Secretary shall manage the area designated "A" on the above described map so as to provide three million five hundred thousand board feet additional allowable sales quantity of timber annually above the allowable sales quantity level for that area in the forest plan for the Idaho Panhandle National Forests at the date of enactment

1 of this Act: *Provided further*, That the allowable sales quan-
2 tity in the Bonner's Ferry District of the Idaho Panhandle
3 National Forests shall be not less than forty million five hun-
4 dred thousand board feet annually for the first planning
5 period and the allowable sales quantity for the entire Idaho
6 Panhandle National Forest shall be not less than two hun-
7 dred and eighty-three million five hundred thousand board
8 feet annually for the first planning period.

9 (2) There is hereby established the Clearwater Special
10 Management Area (hereinafter in this paragraph referred to
11 as the "area"), located in the Clearwater and Idaho Panhan-
12 dle National Forests, and comprising approximately fifty-nine
13 thousand six hundred and sixty acres, as generally depicted
14 on a map entitled "Mallard-Larkin Special Management
15 Area—Proposed" and dated January 1989. The areas which
16 are composed of Foehl Creek, Minnesaka Creek, Bear Creek,
17 Bacon Creek, Yankee Point-Neversweat, and Skull Creek-
18 Copper Creek, shall be managed permanently as a "C8S"
19 area as described in the Forest Plan, Clearwater National
20 Forest dated September 1987. The goals of this "C8S" man-
21 agement prescription shall be to manage these areas to main-
22 tain high quality wildlife and fishery objectives while produc-
23 ing timber from the productive forest land. In managing these
24 areas, the Secretary shall meet the goals by resource as set
25 forth in section C of the "C8S" management area prescrip-

1 tion contained in the plan. The Secretary shall achieve these
2 goals by managing the areas pursuant to the standards by
3 resource set forth in section C of the "C8S" management
4 prescription, and the minimum forest standards in section E
5 of chapter II, of the plan.

6 (3) There is hereby established the East Weitas Special
7 Management Area (hereinafter in this paragraph referred to
8 as the "area"), located in the Clearwater National Forest,
9 comprising approximately twenty-six thousand one hundred
10 acres, as generally depicted on a map entitled "East Weitas
11 Special Management Area" and dated January 1989. The
12 area shall be managed permanently as a "C8S" area as de-
13 scribed in the Forest Plan, Clearwater National Forest dated
14 September 1987. The goals of this "C8S" management pre-
15 scription shall be to manage these areas to maintain high
16 quality wildlife and fishery objectives while producing timber
17 from the productive forest land. In managing these areas, the
18 Secretary shall meet the goals by resource as set forth in
19 section C of the "C8S" management area prescription con-
20 tained in the plan. The Secretary shall achieve these goals by
21 managing the areas pursuant to the standards by resource set
22 forth in section C of the "C8S" management prescription,
23 and the minimum forest standards in section E of chapter II,
24 of the plan.

1 (4) There is hereby established the Cook Mountain Spe-
2 cial Management Area (hereinafter in this paragraph referred
3 to as the "area"), located in the Clearwater National Forest,
4 comprising approximately seventy-seven thousand one hun-
5 dred acres, as generally depicted on a map entitled "Cook
6 Mountain Special Management Area", dated January 1989.
7 The area shall be managed permanently as a "C1" area as
8 described in the Forest Plan, Clearwater National Forest
9 dated September 1987. The goal of the "C1" management
10 prescription for the Cook Mountain area shall be to manage
11 the area to maximize big-game summer habitat potential
12 without building new roads; to provide for short-term live-
13 stock grazing where compatible with elk habitat manage-
14 ment; and to provide for high quality dispersed recreation in
15 a semiprimitive motorized setting. In managing these areas,
16 the Secretary shall meet the goals by resource as set forth in
17 section C of the "C1" management area prescription con-
18 tained in the plan. The Secretary shall achieve these goals by
19 managing the areas pursuant to the standards by resource set
20 forth in section C of the "C1" management prescription, and
21 the minimum forest standards in section E of chapter II, of
22 the plan.

23 (5) There is hereby established the French Creek Spe-
24 cial Management Area (hereinafter in this paragraph referred
25 to as the "area"), located in the Payette National Forest, and

1 comprising approximately one hundred and fifty-seven thou-
2 sand acres, as generally depicted on a map entitled "French
3 Creek Special Management Area—Proposed" and dated
4 January 1989. The goal of this management prescription is
5 to improve wildlife and fishery resources while producing
6 timber from the productive forest land. The Secretary shall
7 take specific actions to protect, maintain and improve calving
8 areas, summer and winter range, and habitat for elk and
9 other big game. New roads may be constructed for the pur-
10 pose of timber harvest and management: *Provided*, That any
11 such roads shall comply with road density standards for the
12 Elk Management Unit in which they are to be constructed
13 and such roads shall be closed to public motorized use. Graz-
14 ing lands within the area shall be subject to extensive man-
15 agement and, where appropriate to protect fish and wildlife
16 habitat on a site specific basis, to intensive management
17 practices. Fish habitat and water quality within the area shall
18 be maintained or improved. With respect to wildlife and big
19 game habitat, the Secretary shall consult with the Idaho De-
20 partment of Fish and Game in developing management and
21 monitoring practices. The Secretary shall comply with the
22 following standards:

- 23 (i) Management activities shall be concentrated
24 within the smallest possible area and shortest period of

1 time practical for the completion of each project within
2 a timber sale area.

3 (ii) Logging shall not occur simultaneously on ad-
4 jacent timber sale areas.

5 (iii) Ecotones shall be created in timber sale units
6 by unit design and by interspersing successional stages.

7 (iv) Big game wallows and licks identified as key
8 habitat by the Secretary shall be protected from dis-
9 turbance and hiding cover shall be maintained immedi-
10 ately adjacent thereto. No timber harvest of any kind
11 shall occur near wallows or licks during the "rut".

12 (v) Timber harvest shall not occur in calving and
13 fawning areas, identified by the Secretary between
14 May 1 and July 1, or any time when such areas are
15 being used by big game for such purposes.

16 (vi) Big game hiding and thermal cover shall be
17 provided around a minimum of 50 per centum of the
18 perimeter of meadows greater than five acres where
19 existing conditions make this viable. Cover areas shall
20 be no less than two elk site distances wide and contain
21 no less than a ten acre stand.

22 The Secretary shall set such additional standards as may be
23 necessary and prudent with respect to cultural, recreational,
24 wildlife, range, timber, soil, water, air, research natural

1 areas, and resource protection as may be necessary to meet
2 the goal of this management prescription.

3 (6)(A) There is hereby established the South Fork Spe-
4 cial Management Areas (hereinafter in this paragraph re-
5 ferred to as the "area"), located in the Payette National
6 Forest, and comprising approximately eighty-four thousand
7 two hundred acres, as generally depicted on a map entitled
8 "South Fork Special Management Areas—Proposed", dated
9 January 1989. The area shall be administered by the Secre-
10 tary to allow no harvesting of timber or other commercial
11 activity in the area designated "A" on the above described
12 map, which area is generally one half mile in both directions
13 from the center of the South Fork of the Salmon River from
14 the confluence with the East Fork of the South Fork, south
15 to the Payette National Forest boundary.

16 (B) The Secretary shall allow timber harvesting in areas
17 outside of area "A" but within any drainage of any tributary
18 which flows into that reach of the South Fork of the Salmon
19 which lies within area "A" (hereinafter the "reach system")
20 only to the extent such harvesting results in no net increase
21 in sediment deposit in the reach system. Such timber harvest-
22 ing shall occur only upon the following conditions:

23 (i) Sediment deposited in the reach system shall
24 be mitigated;

1 (ii) mitigation shall occur by removal of deposited
2 sediment or by prevention of sedimentation, in an
3 amount equal to, in volume, the total amount of the
4 sediment to be deposited in the reach system as a
5 result of commercial activity associated with timber
6 harvesting within the sale area as predicted by the
7 BOISET sedimentation model, or any state-of-the-art
8 reach system specific replacement;

9 (iii) mitigation by removal of deposited sediment
10 shall occur before, during or immediately after com-
11 mercial activity associated with timber harvesting
12 within a sale area commences. Mitigation by removal
13 shall occur, to the extent reasonably practicable, in lo-
14 cations within the reach system in the following priori-
15 ty order: stretches downstream from the commercial
16 activity that are significant to anadromous fish;
17 stretches upstream from the commercial activity that
18 are significant to anadromous fish; other downstream
19 stretches; and other upstream stretches;

20 (iv) mitigation by prevention shall occur in areas
21 within the reach system that are significant to the
22 anadromous fishery in stretches of the reach system
23 before mitigation by prevention is conducted in other
24 areas;

1 (v) the Secretary shall monitor sedimentation from
2 all commercial activities, and if such monitoring shows
3 that commercial activity associated with timber har-
4 vesting in a sale area is resulting in sediment deposits
5 in the reach system which are materially and conse-
6 quentially in excess of that predicted by the BOISET
7 sedimentation model or its replacement assuming
8 normal activities and conditions, the Secretary shall re-
9 quire such commercial activity to cease. The activity
10 may resume only if the Secretary ensures that such ad-
11 ditional action as may be necessary to prevent or miti-
12 gate the increase in sediment deposits are undertaken
13 by the commercial operator, or other appropriate
14 entity; and

15 (vi) mitigation must begin prior to or during the
16 season in which timber harvesting resulting in sedimen-
17 tation commences.

18 (C) The Secretary shall consult with the Idaho Depart-
19 ment of Fish and Game in identifying stream sediments or
20 areas of significance to the anadromous fish or fishery for
21 purposes of mitigation by removal or prevention. The Secre-
22 tary shall schedule and manage mitigation activities in order
23 to avoid disturbance of anadromous fish or damage to fish
24 habitat.

1 (7) There is hereby established the Lime Creek Special
2 Management Area (hereinafter in this paragraph referred to
3 as the "area"), located in the Sawtooth National Forest, and
4 comprising approximately forty thousand five hundred acres,
5 as generally depicted on a map entitled "Lime Creek Special
6 Management Area—Proposed" and dated January 1989.
7 The use of motorized recreational vehicles is prohibited
8 within the area except on trails designated for such use. The
9 Secretary shall designate certain trails in the area for use
10 solely by motorized vehicles and shall designate certain other
11 trails on which motorized recreational vehicles shall be pro-
12 hibited. Such use or prohibition may be either permanent or
13 for specific periods. The Secretary may not construct any
14 new trails within the area: *Provided*, That relocation of any
15 portion of any existing trail to alleviate resource damage
16 shall not constitute construction of a new trail if the existing
17 portion is thereafter closed.

18 (8) There is hereby established the Smokies Special
19 Management Area (hereinafter in this paragraph referred to
20 as the "area"), located in the Sawtooth National Forest, and
21 comprising approximately one hundred and fifteen thousand
22 six hundred acres, as generally depicted on a map entitled
23 "Smokies Special Management Area—Proposed" and dated
24 January 1989. The use of motorized recreational vehicles is
25 prohibited within the area except on trails designated for

1 such use. The Secretary shall designate certain trails in the
2 area for use solely by motorized recreational vehicles and
3 shall designate certain other trails on which motorized vehi-
4 cles shall be prohibited. Such use or prohibition shall be
5 either permanent or for specific periods. The Secretary may
6 not construct any new trails within the area: *Provided*, That
7 relocation of any portion of any existing trail to alleviate re-
8 source damage shall not constitute construction of a new trail
9 if the existing portion is thereafter closed.

10 (b) The Secretary shall administer the areas designated
11 by this section to achieve the purposes for which each area
12 was established and in accordance with the laws and regula-
13 tions applicable to the National Forest System.

14 (c) Land and resource management plans for the affect-
15 ed national forests prepared in accordance with the Forest
16 and Rangeland Renewable Resources Planning Act of 1974,
17 as amended, shall emphasize achieving the purposes for
18 which the areas are designated.

19 SEC. 104. (a) As soon as practicable after the enactment
20 of this Act, the Secretary of Agriculture (hereinafter referred
21 to as the "Secretary") shall file the maps referred to in sec-
22 tion 102, section 103, and section 309 and a legal description
23 of each area designated by this Act with the Committee on
24 Energy and Natural Resources of the United States Senate
25 and the Committee on Interior and Insular Affairs of the

1 House of Representatives, and each such map and legal de-
2 scription shall have the same force and effect as if included in
3 this Act: *Provided, however,* That correction of clerical and
4 typographical errors in such legal descriptions and maps may
5 be made. Each map and legal description shall be on file and
6 available for public inspection in the Office of the Chief of the
7 Forest Service, Department of Agriculture.

8 (b) Subject to valid existing rights, each wilderness area
9 designated by this Act shall be administered by the Secretary
10 in accordance with the provisions of the Wilderness Act of
11 1964 (78 Stat. 890) governing areas designated by that Act
12 as wilderness areas, except that, with respect to any wilder-
13 ness area designated in this Act, any reference in such provi-
14 sions to the effective date of the Wilderness Act of 1964 shall
15 be deemed to be reference to the effective date of this Act.

16 TITLE II—RELEASE OF LANDS FOR MULTIPLE
17 USE MANAGEMENT

18 SEC. 201. (a) The Congress finds that—

19 (1) the Department of Agriculture has completed
20 the second roadless area review and evaluation pro-
21 gram (RARE II); and

22 (2) the Congress has made its own review and ex-
23 amination of National Forest System roadless areas in
24 Idaho and of the environmental impacts associated
25 with alternative allocations of such areas.

1 (b) On the basis of such review, the Congress hereby
2 determines and directs that—

3 (1) without passing on the question of the legal
4 and factual sufficiency of the RARE II final environ-
5 mental statement (dated January 1979) with respect to
6 National Forest System lands in States other than
7 Idaho, such statement shall not be subject to judicial
8 review with respect to National Forest System lands in
9 the State of Idaho;

10 (2) with respect to the National Forest System
11 lands in the State of Idaho which were reviewed by
12 the Department of Agriculture in the second roadless
13 area review and evaluation (RARE II) and those lands
14 referred to in subsection (d), that review and evaluation
15 or reference shall be deemed for the purposes of the
16 initial land management plans required for such lands
17 by the Forest and Rangeland Renewable Resources
18 Planning Act of 1974, as amended by the National
19 Forest Management Act of 1976, to be an adequate
20 consideration of the suitability of such lands for inclu-
21 sion in the National Wilderness Preservation System
22 and the Department of Agriculture shall not be re-
23 quired to review the wilderness option prior to the re-
24 visions of the plans, but shall review the wilderness
25 option when the plans are revised, which revisions will

1 ordinarily occur on a ten-year cycle, or at least every
2 fifteen years, unless, prior to such time the Secretary
3 of Agriculture finds that conditions in a unit have sig-
4 nificantly changed;

5 (3) areas in the State of Idaho reviewed in such
6 final environmental statement or referenced in subsec-
7 tion (d) and not designated wilderness upon enactment
8 of this Act shall be managed for multiple use in ac-
9 cordance with land management plans pursuant to sec-
10 tion 6 of the Forest and Rangeland Renewable Re-
11 sources Planning Act of 1974, as amended by the Na-
12 tional Forest Management Act of 1976: *Provided*, That
13 such areas need not be managed for the purpose of
14 protecting their suitability for wilderness designation
15 prior to or during revision of the initial land manage-
16 ment plans;

17 (4) in the event that revised land management
18 plans in the State of Idaho are implemented pursuant
19 to section 6 of the Forest and Rangeland Renewable
20 Resources Planning Act of 1974, as amended by the
21 National Forest Management Act of 1976, and other
22 applicable law, areas not recommended for wilderness
23 designation need not be managed for the purpose of
24 protecting their suitability for wilderness designation
25 prior to or during revision of such plans, and areas rec-

1 ommended for wilderness designation shall be managed
2 for the purpose of protecting their suitability for wilder-
3 ness designation as may be required by the Forest and
4 Rangeland Renewable Resources Planning Act of 1974
5 as amended by the National Forest Management Act of
6 1976, and other applicable law; and

7 (5) unless expressly authorized by Congress, the
8 Department of Agriculture shall not conduct any fur-
9 ther statewide roadless area review and evaluation of
10 National Forest System lands in the State of Idaho for
11 the purpose of determining their suitability for inclusion
12 in the National Wilderness Preservation System.

13 (c) As used in this section, and as provided in section 6
14 of the Forest and Rangeland Renewable Resources Planning
15 Act of 1974, as amended by the National Forest Manage-
16 ment Act of 1976, the term "revision" shall not include an
17 "amendment" to a plan.

18 (d) The provisions of this section shall also apply to—

19 (1) those National Forest System roadless areas in
20 the State of Idaho which were evaluated in any unit
21 plan or which are being managed pursuant to a multi-
22 ple use plan; and

23 (2) National Forest System roadless lands in the
24 State of Idaho which are less than five thousand acres
25 in size.

1 **TITLE III—MISCELLANEOUS PROVISIONS**2 **GRAZING IN WILDERNESS AREAS**

3 **SEC. 301.** The grazing of livestock and all grazing allot-
4 ments on lands designated as wilderness in section 102 and
5 special designations in section 103 in this Act where estab-
6 lished prior to the date of enactment of this Act shall be
7 continued together with such motorized vehicular access and
8 water developments as may be in use on such lands. Predator
9 control methods shall be continued as currently practiced on
10 such lands. This section shall be considered in accordance
11 with section 4(d)(4) of the Wilderness Act.

12 **STATE WATER ALLOCATION AUTHORITY**

13 **SEC. 302.** (a) Within the State of Idaho, nothing in the
14 Wilderness Act nor this Act nor any other legislation desig-
15 nating lands as wilderness or Special Management Areas
16 shall constitute or be construed to constitute either an ex-
17 press or implied reservation of water or water rights for any
18 purpose. The United States may acquire such water rights as
19 it deems necessary to carry out its responsibilities on any
20 lands designated as wilderness or Special Management Areas
21 pursuant to the substantive and procedural requirements of
22 the laws of the State of Idaho. This section shall not affect
23 any reserved water right which the United States may have
24 previously acquired within the State of Idaho with respect to
25 any lands designated as wilderness or Special Management
26 Areas by this Act or any other Act for the primary purposes

1 for which such lands had been originally withdrawn from the
2 public domain.

3 (b) As provided in section 4(d)(7) of the Wilderness Act
4 of 1964, nothing in this Act shall be construed as affecting
5 the jurisdiction or responsibilities of the State of Idaho with
6 respect to wildlife and fish in the national forests in Idaho.

7 (c) Within area designated as wilderness by this Act, the
8 Forest Service is directed to utilize whatever sanitary facili-
9 ties are necessary, including but not limited to vault toilets
10 which may require service by helicopter, to insure the contin-
11 ued health and safety of the communities serviced by the wa-
12 tersheds in wilderness areas in the State of Idaho; further-
13 more, nothing in this Act shall be construed to limit motor-
14 ized access and road maintenance by local municipalities for
15 those minimum maintenance activities necessary to guaran-
16 tee the continued viability of whatsoever watershed facilities
17 currently exist or which may be necessary in the future to
18 prevent the degradation of the water supply in wilderness
19 areas within the State of Idaho.

20 (d) Within areas designated wilderness or Special Man-
21 agement Areas in the State of Idaho by this or any other
22 Act, the Secretary is directed to allow helicopter access by
23 Federal and State agencies for emergency purposes and to
24 State agencies for fish and wildlife purposes: *Provided*, That
25 this subsection does not authorize the construction of any

1 new landing areas. Access shall be allowed only in existing
2 landing sites, whether previously constructed or natural.

3 PROHIBITION OF BUFFER ZONES

4 SEC. 303. No protective perimeters or buffer zones
5 around any wilderness areas are necessary or authorized to
6 protect any wilderness areas within the State of Idaho or
7 may be established pursuant to this or any other law. The
8 fact that nonwilderness activities or uses can be seen or
9 heard from areas within the wilderness shall not, of itself,
10 preclude such activities or uses up to the boundary of the
11 wilderness area.

12 MINERAL RESOURCES

13 SEC. 304. In furtherance of section 4(d)(2) of the Wil-
14 derness Act and the policies of the National Materials and
15 Minerals Policy, Research and Development Act (94 Stat.
16 2305), the Secretary of the Interior shall continue to make
17 assessments of the mineral potential of national forest wilder-
18 ness areas in the State of Idaho, on a recurring basis, using
19 environmentally compatible methods, in order to expand the
20 data base with respect to the mineral potential of such lands.

21 LANDING OF AIRCRAFT

22 SEC. 305. Except as otherwise specifically provided in
23 this Act, the landing of aircraft on lands within the State of
24 Idaho designated as wilderness or Special Management
25 Areas, where this use has become established prior to the
26 date of enactment of this Act shall be permitted to continue

1 and the Secretary shall not permanently close and shall
2 maintain any aircraft landing strip in use on national forest
3 lands in Idaho on the date of enactment of this Act. On lands
4 acquired after the date of enactment of this Act the Secretary
5 may close any aircraft landing strip only with the express
6 written concurrence of the agency of the State of Idaho
7 charged with evaluating the safety of backcountry airstrips.

8 INVENTORY OF STRUCTURES WITHIN WILDERNESS AREAS

9 SEC. 306. (a) Within two years from the date of enact-
10 ment of this Act, the Secretary shall cooperate with the Sec-
11 retary of the Interior and with agencies and institutions of
12 the State of Idaho in conducting an inventory of the ranch,
13 homestead, trapper, and other cabins and structures within
14 areas designated as wilderness in section 102(a) of this Act
15 and submit to the Committee on Energy and Natural Re-
16 sources of the United States Senate and the Committee on
17 Interior and Insular Affairs of the United States House of
18 Representatives a report on—

- 19 (1) the location of these structures;
20 (2) their historic significance, if any;
21 (3) their present condition;
22 (4) recommendations as to which of these struc-
23 tures should be—
24 (A) stabilized;
25 (B) restored;
26 (C) maintained; or

1 (D) removed;

2 (5) the estimated cost of such stabilization, resto-
3 ration, maintenance, or removal; and

4 (6) the suitability of any of these structures for in-
5 clusion in the National Register of Historic Places.

6 (b) Until such time as the study under this subsection is
7 completed and the required report submitted to the commit-
8 tees, the Secretary shall not knowingly permit the destruc-
9 tion or significant alteration of any historic cabin or other
10 structure on national forest land within the areas designated
11 as wilderness in section 102(a) of this Act.

12 LAND ACQUISITION

13 SEC. 307. The Secretary shall promptly identify all
14 lands within the areas designated in sections 102 and 103 of
15 this Act which are not owned by the Federal Government
16 and shall acquire such lands by exchange where such lands
17 are held in public ownership by the State of Idaho or a unit
18 of local government or by purchase on a willing buyer-willing
19 seller basis, donation, or exchange where such lands are pri-
20 vately held.

21 OUTFITTED CAMPS

22 SEC. 308. (a) With respect to outfitter and guide camps
23 and practices as assigned and allowed by permit prior to the
24 date of enactment of this Act on lands within the State of
25 Idaho designated as wilderness or as special management
26 areas by this or any other Act, the Secretary shall permit,

1 subject to reasonable regulation to insure compatibility, the
2 continuance of existing uses, and the future establishment,
3 and use, of temporary campsites, tent platforms, shelters, and
4 other temporary facilities and equipment directly and neces-
5 sarily related to such activities. Such facilities and equipment
6 shall be constructed, used, and maintained in a manner con-
7 sistent with the protection of the area in which they are lo-
8 cated. All new facilities shall be constructed of materials
9 which blend with, and are compatible with, the immediately
10 surrounding landscape. Upon termination of such activities
11 and uses (but not upon regular or seasonal cessation), such
12 structures or facilities shall, upon written request, be re-
13 moved from the areas by the permittee.

14 (b) Notwithstanding the foregoing provisions, the Secre-
15 tary may determine, after adequate notice, that the establish-
16 ment and use of such new facilities or equipment would con-
17 stitute a significant expansion of existing facilities or uses
18 which would be detrimental to the purposes for which the
19 affected conservation system unit was established, including
20 the wilderness character of any wilderness area within such
21 unit, and may thereupon deny such proposed use or establish-
22 ment.

23 (c) The Secretary shall not prohibit the continuance of
24 any commercial outfitting and guide camps and practices sub-
25 ject to this section without the express written concurrence of

1 the agency of the State of Idaho charged with the regulation
2 of the outfitting and guide industry.

3 ROADS

4 SEC. 309. (a) For the purposes of this Act, any parallel
5 track together with an area measured by fifty feet to each
6 side from the center line of such track which was in use prior
7 to the enactment of this Act in areas designated by section
8 102 and which may be traveled by four wheel vehicles li-
9 censed for highway use by an appropriate State agency is
10 hereby defined as a road.

11 (b) The designation of lands in section 102 by this Act
12 does not include any roads as defined in subsection (a) nor
13 any improved (such as gravel or paved) roads, and the Secre-
14 tary shall indicate such roads on the maps and shall revise
15 the boundaries on such maps to exclude such roads on the
16 maps as required in section 104.

○

Senator BUMPERS. On a personal note, I am especially pleased to welcome my old friend and fellow Governor Cecil Andrus. We were elected Governor together and immediately became good friends and have maintained that steadfast friendship through all of these years. And I see he is back in the big time as Governor once again.

We are very pleased to have you today and I am anxious to receive your testimony. But before that I am going to call on my ranking member, Senator McClure for his comments.

STATEMENT OF HON. JAMES A McCLURE, U.S. SENATOR FROM IDAHO

Senator McCLURE. First, Mr. Chairman, let me thank you once again for your patience and indulgence in scheduling this hearing. Not only do I appreciate the time the able subcommittee staff has spent working on this legislation again this year; I also appreciate your accommodating my schedule this afternoon.

Mr. Chairman, I know you are aware of the great interest that Governor Andrus and I share in securing passage of this legislation. I suspect you are also aware that this is the tenth hearing that this committee has conducted on the issue of Idaho wilderness in the last six years. To some it would appear that nothing has changed.

However, I would submit to you, Mr. Chairman, that much has changed, even since the last time that we sat before you last year to urge the committee's support of this compromise. I am referring to the growing crisis over timber supply in the Pacific Northwest, and that I think it is absolutely crucial to consider this bill in that context.

It is imperative that this committee understand the stark reality of the consequences that will occur if this bill is not passed. That reality is going to be a further reduction in timber harvest in the Northwest, an area that is already facing tremendous problems because of such emotional and political issues as the spotted owl controversy. Reductions in timber harvest translates directly into reductions in jobs. I would tell you that our colleague from Oregon, Mr. Hatfield, understands this situation very well. His state stands to lose as many as 16,000 timber jobs next year if a solution to the spotted owl controversy is not reached.

Governor Andrus and I have been faced with the uncertainty of how much of the forest land in our state will be managed since the first mandated roadless area review and evaluation (RARE I) was begun in 1972. It is time we finally bring a degree of certainty to the management of these areas. Further delay will only result in the courts making the land management decisions that the Congress and government land managers should have the courage to make. Further delay will only mean the loss of thousands of additional jobs in a sector of our economy that can scarcely afford to lose even one job.

Although it has been noted in several of my previous statements, it is important to reiterate that in spite of the fact that Governor Andrus and I represent different political parties, a mutual trust resulting from our long association, our experience with public land issues, and the trust the Idaho people have placed in us, of-

ferred us a rare opportunity to resolve this issue. With this as background we approached the drafting of this bill in a unique way.

Rather than begin negotiations with a target plan based on a pre-determined number of acres, we started from scratch and discussed the best use of each area of the national forest individually. The final product thus includes a chain of delicately balanced resource trade-offs. Virtually every decision to allow a timber harvest has been balanced by another decision to protect fish and wildlife habitat. Every decision to allow motorized access to a specific area has been balanced by another decision to set aside an area where motorized vehicles will be prohibited.

I am pleased to say the Governor and I believe this legislation considers the needs of both current and future generations and strikes a true balance between the economic requirements of the state and the desire to set aside lands for non-development.

Mr. Chairman, our legislation will add over 1.4 million acres to the nearly 4 million acres of wilderness already set aside in Idaho. That would give Idaho the largest wilderness in the lower 48 and second only to Alaska. The bill places over 750,000 additional acres in special management and is, as I indicated, a compromise in every sense of the word. But, Mr. Chairman, it is a reasonable, workable compromise for Idahoans, all of whom, one way or another, are dependent on the state's national forest system, which is supported in part by forest timber receipts for our school system, to our outfitters and guides, who introduced the rest of the world to Idaho's magnificent back country.

This bill provides the true balance of wilderness and multiple-use management on which our future planning and growth, indeed, our survival, must be based.

Neither Governor Andrus nor I would sit before you today and tell you that this compromise is going to resolve every conflict over public lands management in the state of Idaho. This bill cannot and should not be viewed as the vehicle to do that; there are too many issues involved, and a bill like this simply cannot carry the whole load.

But there is one very important thing this compromise will accomplish, Mr. Chairman. It will provide at least some degree of certainty over how our lands are managed—for wilderness, for recreation, and for resources. And certainty is a commodity that has been in very short supply in the debate over public lands management.

Once again, Mr. Chairman, thank you for your assistance in scheduling and conducting this meeting, and I truly look forward to working with you to secure the passage of this very important and necessary legislation.

And I too want to join in your welcoming my friend, the Governor of the great State of Idaho, who is your friend and mine. I look forward to hearing his statement. This statement will be a lot more brief than all the meetings we had in trying to put this bill together.

Senator BUMPERS. Thank you, Senator McClure. Let me add one little caveat. I will not be able to stay for the full hearing, but I would not want to confine the statement of the Chief of the Forest Service, Dale Robertson, to 5 minutes either.

Governor Andrus, please proceed.

Governor ANDRUS. Thank you very much, Mr. Chairman and Senator McClure, Congressman Stallings.

Senator BUMPERS. If I may, I would like to welcome Congressman Stallings. I apologize for not having done that. We are pleased to have you here at the dais with us and welcome your participation in this.

STATEMENT OF HON. CECIL D. ANDRUS, GOVERNOR, STATE OF IDAHO

Governor ANDRUS. Thank you very much. Mr. Chairman, have you ever had that feeling that you have been some place before? I have that feeling at many times, and I appreciate the opportunity to be with you. I will condense my remarks, but I would ask that they be included in their entirety in the record.

Once again, we are before you with the wilderness issue from the state of Idaho, specifically the S. 371. I am here to ask your help, Mr. Chairman, yours and your colleagues in bringing about a balanced, responsible solution to the decades of long debate that Senator McClure referred to in his comments. And I would submit to you that this may be the last and the best hope for a resolution of this problem that we have had before us for all these years.

If we fail now, we will likely see the question placed before the federal court system and settled in that fashion. And I hope that that type of an outcome can be avoided because, in my opinion, we Idahoans and the Members elected to the Congress of the United States know a lot more about it.

As you know, your colleague, Idaho's distinguished senior Senator, who is seated on your left up there, today, he and I are responsible for the bill that you have before us. We get the credit for this proposal. I will have to admit to you that it has not been a great deal of that. We also get the blame for this proposal and there has been a certain amount of that.

And, why? I think the answer is compromise. I would go back and use the Senator's reference before a delicate balance that in this case we agree the issue is ripe for resolution. We realize that the issue demands compromise. We have attempted honestly to come up with a compromise vehicle that will resolve this issue. It was not attained overnight. It was not attained in a haphazard manner.

The two of us sat down and worked over these areas ourselves and tried to work out that delicate balance. And I think that we have been able to do it. The compromise contained, as you referred to, Mr. Chairman, between 1.4 million and 1.5 million acres of wilderness and almost 700,000 acres of special management areas.

Now, in some cases we prescribe management that allows logging, but with special emphasis for the protection of water quality and big game habitat. With other areas, we sought to protect both motorized and non-motorized recreation and, yet, not allowing any new roads in the area. We balanced the competing needs for timber supply, recreation, water quality, wildlife and other uses in each and every region of the state.

As we looked at each region of the state we tried to find that middle ground in allocating the resources that we had before us

and at the same time attempting to maintain those resource industries that provide so many thousands of jobs within our state. Without question, some of these resources in our state have to be utilized in order to maintain the industries.

But I would be quick to admit that not all of the industries are in agreement with this bill. I would submit to you, however, that since a year ago the changes that the Senator and I have agreed to and the realization on the part of the industries—you will find industry representatives that do support our proposal.

I would say to you that in the environmental community you will find very little support for the bill as it stands. Yet, what options do we have? Do we refuse to legislate a solution and leave it to the litigators? Do we wait for what we hope would be a better time to settle this controversy? Or do we continue to fight from positions at each extreme end of the debate?

Litigation is not an answer, Mr. Chairman. Ignoring the issue is not an answer. The continuing unproductive debate is not an answer. And the time has come, I think, for the Congress to provide that answer. Senator McClure and I make no claims to having all the answers in this issue. I think he set that forth in his opening comments very well and I will not repeat it.

But, for my part I will reissue the invitation once again today to any and all of these people who oppose this bill—come forward with your own bill! I hear a lot of negative whining and crying out there, but have I seen them yet come forward and present to this committee a bill in properly prepared form to settle the issue? No, sir, I have not. And I invite them to come forward with a better compromise.

If you have a better compromise than what the Senator and I put together, at least give us a look at it. But, yet today, that has not happened. Senate bill 371 is the only existing vehicle that provides any answer. I urge your careful consideration, Mr. Chairman, of this matter.

The Idaho wilderness issue is vitally important to my state and is vitally important, I think, to the future of America. We need to put this very divisive issue behind us. It has cost us millions of dollars of time and effort by the people of my state on both sides of the issue.

And I would submit to you just no different than the great state of Arkansas, that you will find a group of people on this end and a group of people on that end that do not like it, but you will find 90 percent of the people in the center that say "We want this issue resolved." And I think that is why, Mr. Chairman, I sit before you today and plead with you, let this be the year that we move ahead.

Thank you, sir. I would respond to any questions that you or your colleagues might have.

[The prepared statement of Governor Andrus follows:]



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CECIL D. ANDRUS
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Prepared Testimony of
Cecil D. Andrus
Governor of Idaho

before the
Subcommittee of Public Lands, National Parks and Forest
U.S. Senate Committee on Energy and Natural Resources
Dirksen Senate Office Building, Room 366
Washington, D.C.

July 20, 1989

For Delivery: 2:00 p.m. (EDT)

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Mr. Chairman and members of the Committee:

It is an honor for me to appear once again before this committee and discuss with you the Idaho wilderness issue and specifically the Idaho Forest Management Act (S.371).

I am here, once again today, to ask for your help in bringing about a balanced, responsible solution to the decades long debate over wilderness in Idaho. The time has come to end the debate, the polarization and the uncertainty over forest management in Idaho. I would submit to you that this may be the last, best hope to settle this debate. If we fail now, we very likely will see the questions over management of Idaho's remaining roadless lands settled in a federal courtroom. That is an outcome that I firmly believe must be avoided. But without a wilderness bill for Idaho it is an outcome that is all but inevitable.

Mr. Chairman, as you know, your colleague, Idaho's distinguished senior United States Senator, and I are responsible for the bill you have before you today. We get the credit for this proposal, and I am the first to admit there hasn't been much of that. We also get the blame, and there has been a good deal of that. And why? The answer, in a word, is compromise.

Senator McClure and I approach this issue in the spirit of bi-partisanship. The Senator and I don't always see eye-to-eye on resource management issues, but in this case we do agree that the issue is ripe for resolution. We realize

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the issue demands compromise. We attempted honestly and diligently to weigh all the factors that bear on wilderness designation, and we attempted to strike a balance.

The fact that very few individuals and none of the interest groups embrace all of this proposal is, in my opinion, testimony to the fact that we have crafted a true compromise. Everyone gets something, everyone gives something up. That is the very nature of the process we go through to solve difficult problems.

The compromise contained in S.371 protects the best of the remaining wilderness land in Idaho, approximately 1.5 million acres. It also prescribes special management of another 600,000 acres of National Forest land. These are areas that deserve protection, but wilderness classification would not be applicable nor in the best interest of all. In some cases we prescribed management that allows logging with a special emphasis for protecting water quality or elk habitat. With other areas we sought to protect both motorized and non-motorized recreation by not allowing new roads or development.

We balanced the competing needs for timber supply, recreation, water quality, wildlife, and other uses in each region of the state. As we looked at each region of the state we tried to find the middle ground on the tough land allocation issues.

The resource industries--timber, mining and agriculture--are mainstays of the Idaho economy. These industries provide thousands of jobs and deliver economic stability all across my state. Idaho has great resources of merchantable timber and significant mineral wealth. Without question, some of these resources must be utilized. Yet, these industries are not satisfied with this bill because there must be trade-offs.

We have a saying in Idaho that "Idaho is What America Was." In so many ways that is a true statement. With our vast tracts of roadless areas, our tremendous mountains, wild rivers and spectacular wildlife habitat Idaho is, in many ways, a mecca for outdoor recreation, hunting and fishing and the wilderness experience. Without question, much of this must be preserved for the enjoyment of future generations. Yet, the conservation community is not satisfied with this bill because there must be trade-offs.

I understand that no one who feels deeply about the management of our wildlands--and many Idahoans do feel deeply about these issues--really wants to consider trade-offs. Compromise is difficult.

Yet, what options do we have? Do we refuse to legislate a solution and leave it up to the litigators? Do we wait hoping for a better time to settle this controversy? Or do we continue to fight from positions at the extreme end of this debate?

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Mr. Chairman, litigation is not the answer. Ignoring the issue is no answer. And continuing the unproductive debate is no answer. The time has come to provide an answer. The time has come for an Idaho Wilderness bill.

Senator McClure and I make no claim to having all the answers on this issue. No one can have all the answers. For my part, I issue the invitation, once again today, to any and all to come forward with a better compromise. If there are better solutions they should be advanced.

Yet today, Mr. Chairman, Senate Bill 371 is the only existing vehicle that provides any answer. I respectfully urge your careful and thoughtful consideration. The Idaho wilderness issue is vitally important to my state and to America. I firmly believe the good people of Idaho are ready to see this difficult and divisive issue put behind them. You have that power. I ask you to help us.

Thank you.

Senator BUMPERS. Congressman Stallings.

**STATEMENT OF HON. RICHARD H. STALLINGS, U.S.
REPRESENTATIVE FROM IDAHO**

Mr. STALLINGS. Thank you, Mr. Chairman and Senator McClure, Governor Andrus. I will be very brief. I have a vote on and so will have to slip out. But let me just congratulate our two leading politicians in the state of Idaho for their efforts in this area. We have been tied up in knots in Idaho for a number of years over this issue. And I think the leadership is very evident here as you have the two leading politicians in our state coming together and putting together a bill that I believe is a beginning point.

And so I have a statement for the record, Mr. Chairman, if that would be acceptable. And again, Governor Andrus thank you for coming and expressing your opinion. You have done a good job. Senator McClure thank you for this opportunity for me as well.

Senator BUMPERS. Thank you, Congressman Stallings. Your statement will be inserted in the record.

[The prepared statement of Mr. Stallings follows:]

THE HONORABLE RICHARD H. STALLINGS

Opening Statement

Senator Bumpers, Senator McClure, Governor Andrus . . .

Mr. Chairman, I appreciate the opportunity you have afforded me to sit as a guest of the Subcommittee this afternoon.

As you know, we have unfinished business to take care of in Idaho. The public debate, controversy, and uncertainty regarding the wilderness issue have confronted Idahoans for too many years.

Once again, however, there is a renewed effort underway to pass legislation to resolve Idaho's longstanding wilderness dispute. Our rich outdoor heritage, quality of life, and resource-based economy all have an important stake in the outcome.

Mr. Chairman, I commend both Senator McClure and Governor Andrus for their effort in putting together a wilderness proposal. They faced a very difficult challenge. I recognize it is impossible to satisfy everyone. Still, we must try to resolve this issue.

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As this process moves forward, I will continue to be interested in the views of all Idahoans. Important resource and land management decisions should not be made without public support and involvement.

Many of us live in our great state because of its special way of life. I believe the majority of Idaho citizens want a sensible balance between development of our natural resources and protection of our environmental values. In Idaho, we must strive to have the best of both worlds.

Once again, Mr. Chairman, thank you for the special courtesy you have extended me today. I look forward to the comments from Governor Andrus, the Forest Service, and other distinguished witnesses.

Senator McCLURE. Before the Congressman leaves, and I do know he would be staying if he did not have a vote. If you want to come back and participate you are more than welcome.

Mr. STALLINGS. Thank you, Senator.

Senator BUMPERS. Governor Andrus, what is the difference in total acres between yours and Senator McClure's proposal and that of the Idaho Conservation League?

Governor Andrus. I think the Idaho Conservation League has taken the lead in our state to represent—but The Wilderness Society and the Sierra Club and other memberships are involved in that. Their bill was referred to as the Kostmayer bill that was introduced in the Congress of the United States. That is about 3.9 million acres.

Mr. Chairman, I would respectfully submit to you that that is nothing more than a ploy that has been introduced year after year; 3.9 million or 4 million acres is just as acceptable as no wilderness addition is unacceptable. But, we have the two sides locked into that position.

Senator BUMPERS. Well, you already have roughly 4 million acres in wilderness?

Governor Andrus. That is correct.

Senator BUMPERS. So this 1.4 will put you at about five and a half million total acres plus the 764,000 acres in special management?

Governor ANDRUS. Yes, sir. We have about 53 plus million acres in our entire state.

Senator BUMPERS. Does the Idaho Conservation League object to the 764,000 acres of special management?

Governor ANDRUS. I think a representative of their group is here to testify before you. No, sir, I do not think that they differ with any acreage that has protection applied to it, but they differ as to the type of protection and they say their position, and again, I am not the person to speak for them, but their position is that they are opposed to special management areas.

I would submit to you, sir, though that you and I in our previous lives here before this Congress, had a hand in creating special management areas in the state of Alaska and other areas in America.

Senator BUMPERS. Senator McClure.

Senator McCLURE. Thank you very much, Mr. Chairman. I just want to underscore your closing offer. You and I have said that publicly a number of times and I appreciate your repeating it again today. If anybody has a better proposal that has a better chance of passing, that strikes a better balance between conflicting uses, please come forward.

Governor ANDRUS. But do not talk about it, Senator, do it.

Senator McCLURE. That has been an open process over the last couple of years of people who have been critical of the compromise which we put together saying, well, that isn't acceptable; but they do not have the alternative that is acceptable. They can state their own position and their own wishes, but I think you have said it very well that they are not really compromises in the sense that this one is.

If we move towards their position more, we move farther away from the position of other people. Thank you very much for your testimony.

Governor ANDRUS. Mr. Chairman, I think I have to say though you and I have done that Senator, we held field hearings in Idaho a year ago and we did put amendments in that did add areas to this. We did move away from our position because in many instances, those people who testified were correct. So it has not been a closed process.

Senator BUMPERS. Thank you very much, Governor Andrus.

Governor ANDRUS. Thank you very much, Mr. Chairman. I appreciate seeing you again today, even though for a brief visit.

Senator BUMPERS. Thank you very much, same here. Chief Robertson.

STATEMENT OF F. DALE ROBERTSON, CHIEF, FOREST SERVICE, DEPARTMENT OF AGRICULTURE, ACCOMPANIED BY JOHN MUMMA, REGIONAL FORESTER, NORTHERN REGION; TOM ROEDERER, DEPUTY REGIONAL FORESTER, INTERMOUNTAIN REGION

Mr. ROBERTSON. Mr. Chairman I have with me John Mumma the Regional Forester in Missoula who covers Northern Idaho and Tom Roederer the Deputy Regional Forester that covers Southern Idaho.

Mr. Chairman, we support S.371 with some amendments. At this point final plans have been completed for all of the national forests in Idaho except for the Boise National Forest which we expect to be done by this winter. So these forest plans which have been completed are the basis for our views on the wilderness and special area designations in S.371.

This bill would designate 1.4 million acres of wilderness; in our forest plans we would recommend wilderness for about 1.3 million acres. So the match-up between this bill and our plans is fairly close, although there are some differences. It is important that the uncertainty over about 9 million acres of roadless areas in Idaho be resolved as quickly as possible.

For example, over the next decade about 28 percent of our timber sales in Idaho is proposed to come from about eight million acres of roadless areas which would be released for multiple use management under S.371. And until a wilderness bill is passed by Congress, we will continue to have numerous appeals and lawsuits involving the question of whether these roadless areas should be managed and used for purposes other than wilderness.

As far as the specific areas, we support 15 out of the 17 wilderness areas proposed in this bill. We have some differences on boundaries, and we would like to work with the committee to go over our boundaries and reasons why we believe some of the boundaries should be adjusted.

The two wilderness areas that are in this bill that were not recommended in our forest plan are the Palisades and the Snowbank. The Palisades roadless area is adjacent to 135,000 acre wilderness study area designated by the Wyoming Wilderness Act of 1984. And so for this reason, we recommended in our forest plan to defer the wilderness decision until a separate study could be completed

for the entire Palisades roadless area covering both Idaho and Wyoming. But having said that, we do not necessarily oppose wilderness for the Palisades area. It is just that we believe that our decision on this area should somehow take into account any implications for the Wyoming portion of this roadless area.

The other area is the Snowbank area. We did not recommend that in our forest plan because we believe that it has low-to-moderate wilderness characteristics and is also used for snowmobiling. S.371 would authorize certain uses that are not normally permitted in wilderness. So as a general principle, we would rather see the wilderness boundaries adjusted where practical to exclude areas where these uses would occur.

And our concerns relate to the provisions in the bill concerning roads, helicopter skiing and motorized access. We are also concerned about the designation of the special management areas. And again, as a general principle, we believe that management directions for special management areas should be provided in forest plans rather than in law.

I would like to say, Senator McClure, that we very much appreciate the fact that these special management areas in your and the Governor's bill are very similar to the management prescriptions in our forest plans. So we are not arguing so much about the management of these lands over the next 10 to 15 years. But we would like to have the opportunity to make adjustments in the future through the forest planning process, to reflect changing conditions.

And so, we would like to see the specific management requirements deleted, such as setting the allowable sale quantity for the Bonner's Ferry Ranger District, and there are others as well.

An option would be to sunset the statutory provisions at the end of this planning period; and they would be in effect for 10 to 15 years or whenever we revise the plans for these forests.

Mr. Chairman, my testimony has two or three pages dealing with our suggestions for updating the release and sufficiency language in the wilderness bill and basically it is aimed at trying to update the release language to reflect the recommendations in our forest plans. It is not our intent with this revised wording to change the concept of release language. It is just a matter of updating it to reflect forest plans.

And it is important to realize that this may be the first state that we have completed forest plans or we will have completed forest plans by this winter. There are a couple of provisions in this bill, section 305 and section 308, that would require the concurrence of the State of Idaho prior to the Secretary making decisions on federal lands. In review of this bill by the Department of Justice, they have some very serious concerns about these provisions and we do too. The Department of Justice will be sending the committee an opinion concerning this issue shortly.

Again to repeat and to summarize, Mr. Chairman, we support S.371 with some amendments, and we pledge our support and cooperation to this committee to try to get a wilderness bill through this Congress for Idaho. It is really important to us. It is badly needed in order to resolve the uncertainty over the nine million acres of roadless areas in Idaho as soon as possible, because we

have a lot of other programs on the national forest depending upon resolving this uncertainty.

And with that I would be happy to answer any questions you might have.

[The prepared statement of Mr. Robertson follows:]

STATEMENT OF
F. DALE ROBERTSON, CHIEF
FOREST SERVICE
U.S. DEPARTMENT OF AGRICULTURE

Before the
Subcommittee on Public Lands, National Parks and Forests
Committee on Energy and Natural Resources
United States Senate

Concerning S. 371, "Idaho Forest Management Act of 1989"

July 20, 1989

MR. CHAIRMAN AND MEMBERS OF THE SUBCOMMITTEE:

Thank you for this opportunity to present our views on S. 371, the "Idaho Forest Management Act of 1989."

I am accompanied today by John Mumma, Regional Forester for the Northern Region and Tom Roederer, Deputy Regional Forester for the Intermountain Region.

We support S. 371, with amendments to address our concerns with certain proposed wilderness designations and boundaries, the special management requirements, and release and sufficiency language.

S. 371 would designate slightly more than 1.4 million acres of National Forest wilderness in Idaho. The bill would also designate about 650,000 acres of other special management areas within the National Forests in Idaho.

Of the 20.4 million acres of National Forest System land in Idaho, 19 percent, or nearly 4 million acres are now wilderness. Idaho contains more

wilderness than any other State, except Alaska, both in terms of total acreage and as a percent of the State's land area (7.1 percent). In fact, Idaho wilderness comprises 19 percent of all wilderness acreage in the United States outside Alaska. Other designations, including the Hells Canyon and Sawtooth National Recreation Area and 508 miles of National Wild and Scenic Rivers on six different rivers, indicate the extent to which these aspects of Idaho's natural resources have already been recognized and established in special management statutes.

As you know, Mr. Chairman, we have been working for several years to complete Land and Resource Management Plans for each National Forest. Final plans have been completed for all of the National Forests in Idaho except the Boise National Forest. We expect to complete the Boise plan by this winter.

The Forest plans are the basis for our views on the wilderness and special area designations in S. 371. From a state-wide perspective, S. 371 would designate about 1.4 million acres of wilderness. Our Forest plans recommend wilderness designation for about 1.3 million acres. In many cases, the designations in the bill are similar to those recommended in the Forest plans.

We support appropriate additions to the wilderness system in Idaho for two major reasons. First, there are several additional National Forest areas in Idaho that are suitable for wilderness, and they should be added to the National Wilderness Preservation System. Second, we believe it is important that the uncertainty over future management of roadless areas within the National Forests in Idaho be resolved as soon as reasonably possible.

This uncertainty is adversely affecting our ability to provide a balance of resources and uses. We want to contribute to a stable and diverse economy for Idaho and the Nation over the long run. We also want to provide opportunities for diverse recreational experiences, and we are committed to providing an enduring resource of high-quality wilderness within the National Forest System.

Over the next decade, about 28 percent of the timber volume scheduled for sale in Idaho's National Forests is proposed to come from areas currently inventoried as roadless. For the last decade, while forest planning was in progress, our timber sales program in Idaho has been concentrated in roaded areas, because appeals have blocked proposed sales in some roadless areas. Many of these appeals involve the question of whether those areas should be managed for uses other than wilderness.

We believe that S. 371, with some modifications, would help resolve the uncertainty and controversy surrounding implementation of National Forest plans in Idaho.

Wilderness Designations

We support the following wildernesses with a few minor boundary modifications to minimize resource or management conflicts:

Borah Peak, Italian Peaks, Lionhead, Winegar Hole, Mt. Naomi, Salmo-Priest, and Scotchman Peaks.

We also support the following wildernesses, but we would like to work with the Committee to discuss some of our concerns about boundaries:

Secesh-Payette Crest, Mallard-Larkin, the Hanson Lakes portion of the Sawtooth Additions, White Cloud-Boulder, Pioneer Mountains, Kelly/Cayuse, and Selkirk Crest.

S. 371 would designate two wildernesses (Palisades and Snowbank) that are not recommended in our Forest Plans. The Palisades Roadless Area is adjacent to a 135,800-acre Wilderness Study Area designated by the Wyoming Wilderness Act of 1984. For this reason, we recommend, consistent with the Forest Plan, to defer the wilderness decision until a separate wilderness study could be completed for the entire Palisades Roadless Area covering both Idaho and Wyoming.

We do not recommend wilderness designation for the Snowbank area, consistent with the Forest Plan, because it has low to moderate wilderness characteristics and is used for gathering firewood and snowmobiling.

S. 371 would authorize certain uses that are normally not permitted in wilderness. As a general principle, we would rather see the wilderness boundaries adjusted, where practical, to exclude areas where these uses occur. Our concerns relate to roads, helicopter skiing, and motorized access.

Roads

The bill defines "roads", and we would be required to exclude such roads from the wildernesses designated by the act. We would prefer that areas proposed for wilderness designation containing roads be excluded before the bill is enacted.

Helicopter Skiing

S. 371 would permit helicopter landings for recreational skiing in the Palisades Wilderness. If the Palisades area is designated as wilderness, we recommend that the boundary be adjusted to exclude the area now used for helicopter access.

Motorized Access

Motorized access by local municipalities for the maintenance of watershed facilities within wilderness would be permitted. We recommend that areas requiring such maintenance be excluded from designated wildernesses.

Special Management Areas

We have concerns with S. 371's designation of management areas and the restrictions that would be imposed upon these areas. We believe that management direction for special management areas should be provided in Forest plans rather than in statute. The Forest plans provide the opportunity to re-examine the future management of an area in light of experience, new information, and public expectations and demands. The

National Forest Management Act requires us to update the Forest plans through monitoring, evaluation, amendment and revision. The public is fully involved in any decision to change management direction.

Even though the management requirements in S. 371 for the special management areas are generally similar to those in the current Forest plans, we would like to have the opportunity to make adjustments through the Forest planning process to reflect changing conditions. We recommend that these specific management requirements be deleted, such as designating the Allowable Sale Quantity for the Bonner's Ferry Ranger District on the Idaho Panhandle National Forest. An alternative would be to provide a "sunset" for these statutory management requirements so that they would be effective only for the next 10 to 15 years until the next significant revision or amendment of the Forest Plans.

Grazing

With respect to grazing within wildernesses, S. 371 would permit motorized vehicle access, water developments, and predator control to continue if established prior to enactment. We recommend that this language be revised to be consistent with the Wilderness Act and the "grazing guidelines" provided in 1979 by the House Interior and Insular Affairs Committee (House Report 96-617). These guidelines are being followed in all other National Forest wildernesses.

Water Rights

It is clear that no new Federal water rights would be created as a result of the wilderness or special management area designations in S. 371.

Because the areas that would be designated are within National Forest boundaries that are at the tops of watersheds and encompass the headwaters of streams within them, we would not need, nor do we intend to seek, additional water rights for protection and management of wilderness values in these areas.

"Release" and "Sufficiency" Language

As I mentioned earlier, we think it is essential that the Congress resolve the uncertainty over future management of roadless areas within the National Forests in Idaho. Thus, we urge the subcommittee to carefully consider the "release" and "sufficiency" language in section 201.

"Release" and "sufficiency" are related, but separate, concepts. Release language provides a legislative declaration that lands not included by Congress in a wilderness, wilderness study area, or special management area shall be managed for multiple-use values in accordance with the Forest plans. Sufficiency language provides a legislative declaration that the Forest Service review of wilderness issues is legally sufficient and not subject to judicial review.

The original "RARE II language"--like that in S. 371--was intended to remove the wilderness question from judicial review and to promote some certainty in resource management. However, as Forest plans are completed, the RARE II language becomes moot, because the Forest plan recommendations supercede RARE II. This is particularly significant in Idaho, since all but one of the forest plans have been completed.

Retaining the RARE II language in National Forest wilderness legislation for Idaho might cause further litigation to determine the relationship of the RARE II language to the Forest plans, thus adding to the uncertainty over management of lands not designated as wilderness or another special category. Updating the RARE II language would help promote more certainty, but would not guarantee it. The updated language would more clearly spell out congressional intent, and thus be helpful in resolving both administrative appeals and litigation that might arise after enactment of S. 371 or similar legislation.

We recommend that the release and sufficiency language in this S.371 be updated to reflect that the Forest Land and Resource Management Plans--rather than the RARE II recommendations--provide the basis for congressional release and the congressional determination of sufficiency. We would like to work with the subcommittee in drafting suitable language to replace that now in section 201.

State of Idaho

We have been advised by the Department of Justice that section 305 and section 308 contain provisions which would require concurrence of the State of Idaho prior to the Secretary making decisions on Federal lands. These provisions raise serious constitutional concerns. We understand that the Department of Justice will send the Committee an opinion concerning this issue shortly.

In summary, Mr. Chairman, we support the Committee's effort to resolve the wilderness/nonwilderness issue that is seriously affecting National Forest management, and the people of the Nation. We look forward to continuing to

work with the Subcommittee as you consider our recommendations in the supplemental statement that is attached to my testimony.

We will be happy to respond to your questions or to provide additional information.

SUPPLEMENTAL STATEMENT
U.S. DEPARTMENT OF AGRICULTURE

S. 371, "The Idaho Forest Management Act of 1989."

Wilderness Areas - Proposed

Salmo-Priest Wilderness (Section 102(a))

Idaho Panhandle National Forests

S. 371 recommends that 22,600 acres along the Idaho, Washington state line be added to the National Wilderness Preservation System. This would be an addition to the existing Salmo-Priest Wilderness in the State of Washington.

Significant wilderness values identified by the public during the land management planning process include: a proposed Wild River (Upper Priest), large old-growth forests, fish habitat, and diverse habitat types. A Research Natural Area (RNA) is within the proposed wilderness boundary.

The Forest Land and Resource Management Plan recommends 17,585 acres be added to the National Wilderness Preservation System. About 16,200 acres are common between what is recommended in the Forest Plan and what is proposed in S. 371.

The wilderness acreage recommended in the Forest Plan does not include the Hughes Meadows area because of the conflict between wilderness and existing snowmobile use. The Forest Plan does not recommend wilderness designation for the roaded area north of Cabinet Pass. Leaving this long intrusion into wilderness would complicate management of the area and degrade wilderness values.

We recommend that S. 371 be amended to reflect the recommendations in the Forest Plan.

Selkirk Crest Wilderness (Section 102(b))

Idaho Panhandle National Forest

S. 371 recommends 54,800 acres added to the National Wilderness Preservation System. The bill also proposes a land exchange to acquire approximately 15,440 acres of contiguous land currently owned by the State of Idaho. It directs that any such State land exchanged into the National Forest System be added to the wilderness. The Selkirk Crest is the southern extension of the Selkirk Range and contains many scenic peaks, snowfields, and scenic mountain lakes. These outstanding values have been recognized through special administrative designation in the Forest Plan. The area has received support for wilderness with little opposition.

The Forest's Land and Resource Management Plan recommends 26,658 acres be added to the National Wilderness Preservation System. About 26,000 acres are common between what is recommended in the Forest Plan and what is proposed in S. 371.

The Forest Plan does not recommend most of Long Canyon and Parker Canyon for wilderness, but would manage them as roadless areas.

We recommend that the Forest Plan boundary be adopted.

Scotchman Peaks Wilderness (Section 102(c))

Idaho Panhandle National Forests

S. 371 proposes to add approximately 14,950 acres to the National Wilderness Preservation System. The recommended area is immediately adjacent to the Montana Scotchman Peaks area, which was included in Montana wilderness legislation enacted in the 100th Congress and vetoed by the President. The Scotchman's Peak area has had longstanding support for wilderness, with little specific opposition.

The Forest's Land and Resource Management Plan recommends that 11,232 acres be added to the National Wilderness Preservation System. About 10,400 acres are common between what is recommended in the Forest Plan and what is proposed in S. 371.

S. 371 includes an area in which Cominco has conducted exploratory drilling in the past 2 years. The bill also includes part of the old Savage Creek Timber Sale which was intensively roaded. For these reasons, we recommend that this portion of the bill be amended to reflect the wilderness boundary recommended as a result of the forest planning process.

Mallard-Larkins Wilderness (Section 102(d))

Clearwater and Idaho Panhandle National Forests

S. 371 recommends 152,100 acres for inclusion in the National Wilderness Preservation System. The proposed boundary includes approximately 4,000 acres of the existing St. Joe Wild River. A portion of the Little North Fork of the Clearwater, an inventoried Wild and Scenic River, is within this proposal. Also included is the entire Mallard-Larkins Pioneer Area (an administrative designation). The proposed Bacon Lake Research Natural Area is entirely within this proposal.

The Forest Land and Resource Management Plans recommends 145,227 acres be added to the National Wilderness Preservation System. About 115,000 acres are common between what is recommended in the Forest Plans and what is proposed in S. 371. The Forest Plans did not include the St. Joe Wild River corridor nor did they include any of the Chamberlain Mountain area.

The acres above Forest Plan recommendations would decrease opportunities for mineral prospecting and for timber management. For these reasons, we recommend the bill be amended to incorporate the boundaries recommended in the Forest Plans.

Kelly-Cayuse Wilderness (Section 102(e))

Clearwater National Forest

S. 371 recommends 142,250 acres in Idaho be added to the National Wilderness Preservation System. There are an additional 90,000 acres of partially contiguous roadless area in Montana that were proposed for wilderness (Great Burn Wilderness) in the 100th Congress. Because of the natural beauty and size of the area, the high-divide country with numerous peaks above 7000 feet, and a variety of broad and narrow glaciated valleys and ridges, the area is well suited for wilderness use.

In the Forest Land and Resource Management Plan, the Clearwater National Forest recommended 113,000 acres be added to the National Wilderness Preservation System. Only 50,400 acres are common to what is recommended in the Forest Plan and what is proposed in S. 371. The Forest Plan boundaries also match up with the Montana section of the Kelly-Cayuse Wilderness boundaries in the Lolo National Forest Plan. The boundaries in S. 371 do not match with the Montana recommended boundaries which would create boundaries difficult to manage.

There is moderately productive timber land in the areas in not recommended for wilderness designation by the Forest Plan that would be designated if S. 371 were enacted. We recommend the bill be amended to reflect the recommendations of the forest planning process.

Secesh-Payette Crest Wilderness (Section 102(f))

Payette National Forest

S. 371 would designate 263,100 acres as wilderness compared to Forest Plan recommendations of 212,583 acres. The Forest Plan boundaries recognize terrain features that would make the wilderness more manageable and tend to eliminate conflicting uses. The bill would include areas of established motorized trail use and areas of high mineral potential. We recommend amendment of the bill to reflect these considerations.

Snowbank Wilderness (Section 102(g))

Boise National Forest

The 9,300 acres that would be designated are not recommended for wilderness designation in the Forest Plan. The area is popular for snowmobiling. This area has low to moderate wilderness characteristics.

Red Mountain Wilderness (Section 102(h))

Boise National Forest

S. 371 would designate 66,200 acres as wilderness compared to the Forest Plan recommendation of 93,470 acres. The Forest Plan recommendation was based on strong public support for wilderness classification of this area. The Forest Plan excludes potential timber sales on the western boundary and includes high wilderness potential in the Warm Springs drainage.

Sawtooth Additions (Section 102(i))

Boise, Challis and Sawtooth National Forests

We believe there is a miscalculation in the acreage (202,900 acres) cited in the bill for this area. Our data indicate that 136,700 acres is correct. Forest Plans recommend approximately 107,400 acres (Hansen Lakes, 33,800 acres and Tenmile-Black Warrior, 73,600 acres) of wilderness designation. The boundaries recommended in the Forest Plan are preferred, as they create a definable, manageable boundary and would eliminate some past mining activities in the Black Warrior and East Fork Swanholm drainages and timber management activities along the South Fork Payette River.

White Cloud-Boulder Wilderness (Section 102(j))

Challis and Sawtooth National Forests

While we prefer the 224,350-acre wilderness recommendation in the Forest Plans, the 157,200 acres proposed for designation in S. 371 would not have a major effect on the management of the area. Most of the area is within the Sawtooth National Recreation Area and is withdrawn from mineral entry. The timber resource is negligible. We do not oppose the boundaries proposed in the bill.

Pioneer Wilderness (Section 102(k))

Challis and Sawtooth National Forests

The bill would designate 113,100 acres as wilderness compared to recommendations in Forest Plans of 109,911 acres. The boundaries in the Forest Plans are recommended, as they would provide a more manageable boundary, particularly from an off-road vehicle and minerals management standpoint. Our recommendations also include high quality wilderness resources on the Challis National Forest in Custer County.

Borah Peak Wilderness (Section 102(l))

Challis National Forest

The Forest Plan recommend 119,000 acres of wilderness for this area compared to 54,500 that would be designated by the bill. We do not strongly oppose the designation in S. 371, but we would like to work with the Committee to improve the boundary location.

Italian Peaks Wilderness (Section 102 (m))

Challis National Forest

We support the designation proposed by S. 371, as there is only a 3,800-acre difference between the 54,600 acres in the bill compared to the 50,820 acres recommended in the Forest Plans. We would like to work with the Committee to ensure no conflicts are present due to boundary differences between the bill and the plans.

Lionhead Wilderness (Section 102(n))

Targhee National Forest

The difference between the 14,400 acres recommended in the Forest Plan and the 13,500 acres proposed in S. 371 does not represent any serious conflict. We support this proposed designation.

Wingear Hole Addition (Section 102(o))

Targhee National Forest

We recommend some minor boundary modification to accommodate the difference between the 3,500 acres recommended in the bill and the 2,000-acre proposal in the Forest Plan.

Palisades Wilderness (Section 102(p))

Targhee National Forest

S. 371 would designate three separate roadless areas (Palisades, Poker Peak and Bear Creek) as the Palisades Wilderness. We do not oppose wilderness designation for this area. The Wyoming Wilderness Act of 1984 provided that the Palisades Wilderness Study Area in Wyoming would be reviewed for its potential for inclusion into the National Wilderness Preservation System upon revision of the initial Land and Resource Management Plans. However, we recommend that we work with the Committee to adjust proposed boundaries to minimize impacts upon existing mineral leases in the area.

We oppose permitting helicopter landings in the area for the purpose of commercial skiing. The use of mechanized equipment and commercial activity are both in direct conflict with the Wilderness Act.

Mt. Naomi Wilderness (Section 102(g))

Caribou National Forest

S. 371 would designate 18,100 acres as wilderness compared to Forest Plan recommendations of 14,600 acres. We do not oppose the proposal in the bill, but would like to work with the Committee to place the boundary on a more manageable location in certain areas. In addition, we recommend that the Utah Wilderness Act of 1984 be amended to designate as wilderness the narrow corridor which would exist between the Mt. Naomi Wilderness in Idaho and the Mt. Naomi Wilderness in Utah.

Special Management Areas

The special management requirements in S. 371 would preclude the ability of the Forest Service to examine future management options every 10-15 years through the Forest planning process. We recommend that these specific management requirements be deleted. An alternative would be to provide a "sunset" for these statutory management requirements so that they would be effective only for the next 10-15 years or until the next significant revision or amendment of the Forest Plans.

Bonner's Ferry Special Management Area (Section 103(a)(1))

Idaho Panhandle National Forest

S. 371 would prescribe an increase in the allowable sale quantity (ASQ) of 3.5 million board feet for the Bonner's Ferry Ranger District. This is an increase above the planned levels and would come from an area that is primarily grizzly bear habitat. This section would also set the annual ASQ for the Bonner's Ferry Ranger District and for the Idaho Panhandle National Forests for the first planning period.

We oppose such prescriptive language, because we believe the intent of the National Forest Management Act was for the Forest planning process to determine the Allowable Sale Quantity in balance with all other resource values.

Clearwater Special Management Area (Section 103(a)(2))

Clearwater and Idaho Panhandle National Forests

S. 371 recommends areas in Upper Skull Creek and Minnesaka Creek within the Clearwater National Forest and areas in Foehl Creek, Buck Creek, and a portion of the upper St. Joe River drainage within the Idaho Panhandle National Forests

as a Special Management Area to be managed to maintain high quality wildlife and fishery objectives while producing timber from the productive land. These areas are part of the Mallard-Larkins roadless area. The management of this Special Management Area in S. 371 is essentially the same as in the Forest Plan.

East Weitas Special Management Area (Section 103(a)(3))

Clearwater National Forest

The bill would designate 26,100 acres along the east side of Weitas Creek as a Special Management Area to maintain high quality wildlife and fishery objectives while producing timber from the suitable lands. The area would be managed for timber, but timber harvest would occur in later decades as the existing stands are immature. The management of this Special Management Area in S. 371 is essentially the same as contained in the Forest Plan.

Cook Mountain Special Management Area (Section 104(a)(4))

The bill would designate 77,100 acres as a Special Management Area to maximize big-game habitat which is in accordance with the Forest Plan.

French Creek Special Management Area (Section 103(a)(5))

Payette National Forest

The bill would designate 157,000 acres in the vicinity of French Creek as a Special Management Area managed to improve wildlife and fishery resources while producing timber from suitable lands. New roads would be constructed for the purpose of timber harvest and management, provided that any such roads would comply with road density standards for the elk management unit in which they are to be constructed and such roads would be closed to public motorized use. Grazing lands within the area would be subject to extensive management and, where appropriate to protect fish and wildlife habitat on a site-specific basis, to intensive management practices. Fish habitat and water quality within the area would be maintained or improved. The management prescribed in the bill is essentially the same as that contained in the Payette National Forest Land and Resource Plan.

South Fork Special Management Area (Section 103(a)(6)(a))

Payette National Forest

The bill would designate 84,200 acres within the South Fork of the Salmon River drainage as a Special Management Area managed to exclude timber harvesting or other commercial activities along a corridor that is generally one-half mile from each side of the center of the South Fork of the Salmon River from the confluence with the East Fork of the South Fork, south to the Payette National Forest boundary. Timber management would be allowed in the remainder of the area only to the extent that such activities did not result in increased sediment yields in any tributary of the South Fork. In addition, specific monitoring and mitigation practices would be implemented prior to and during any timber sale activity. These practices are in the Forest Plan and some

timber hauling is permitted in the river corridor. Of major concern is the direction which would utilize the BOISSET watershed model to monitor sediment deposition in the French Creek Special Management Area. This model is designed to be one element of a decision process in land management. It is not intended as an absolute decision criteria in itself, and we believe that the model would be subject to legal challenges concerning its validity and accuracy if used as an absolute decision criterion.

Lime Creek Special Management Area (Section 103(a)(7))

Sawtooth National Forest

S. 371 would designate 40,500 acres in the Lime Creek area as a Special Management Area. Trails would be designated solely for motorized recreational vehicles. No new trails would be permitted. The Forest Plan would leave the area open to ORV use.

Smokies Special Management Area (Section 103(a)(8))

S. 371 would designate 115,600 acres in the Smoky Mountains as a Special Management Area. Trails within the area would be designated solely for motorized recreation vehicles. No new trails would be permitted.

Title II - Release of Lands for Multiple Use Management

Section 201 contains "standard" release language. We recommend that this release and sufficiency language be updated to reflect the fact that the Forest Land and Resource Management Plans, rather than the RARE II recommendation, provide the basis for congressional release and the congressional determination of sufficiency. We would like to work with the subcommittee in drafting suitable language to replace this section.

Title III - Miscellaneous Provisions

Grazing in Wilderness Areas (Section 301)

With respect to grazing within wildernesses, S. 371 would permit motorized vehicle access, water developments, and predator control to continue if established prior to enactment. We recommend that this language be revised to be consistent with the Wilderness Act and the "grazing guidelines" provided in 1979 by the House Interior and Insular Affairs Committee (House Report 96-617). These guidelines are being followed in all other wildernesses in the National Forest System.

State Water Allocation Authority (Section 302(a))

Under S. 371, it is clear that no new Federal water rights would be created as a result of the wilderness or special management area designations. Because

the areas that would be designated by the bill are within National Forest boundaries that are at the the tops of watersheds and encompass the headwaters of streams within them, we would not need, nor do we intend to seek, additional water rights for protection and management of wilderness values in these areas.

Prohibition of Buffer Zones (Section 303)

We strongly support this section that would prohibit "buffer zones" around wilderness areas in the State of Idaho.

Mineral Resources (Section 304)

We have no objection to this section that would permit the continuation of assessments of mineral potential within National Forest wilderness areas in Idaho.

Landing of Aircraft (Section 305)

This section would permit the landing of aircraft on lands designated as wilderness within the State of Idaho when such use has been established prior to the enactment of S. 371. It further provides that the Secretary may not close aircraft landing strips within wilderness areas in Idaho without the express written permission of the State.

The Wilderness Act provides for continuing use of aircraft within a wilderness when such use was established prior to designation of the area. However, we oppose granting the State veto power over Federal land decisions that are appropriately under the jurisdiction of the Secretary.

Inventory of Structures within Wilderness Areas (Section 306(a))

This section would require the Secretary to inventory all structures within areas designated as wilderness by this bill and prepare and report regarding the structures. We do not object to this section, but neither do we regard it as necessary to the purposes of S. 371.

Land Acquisition (Section 307)

We do not object to this section that would require the acquisition of non-Federal lands within the wilderness and special management areas designated by the bill. Such acquisition would be by exchange with respect to non-Federal lands. Private lands would be acquired only on a willing buyer-seller basis by purchase, donation, or exchange.

Outfitted Camps (Section 308)

This section provides specific direction regarding the use of outfitter and guide camps. We recommend that subsection (a) be revised to read:

"The Secretary shall permit, subject to existing wilderness regulation to insure compatibility, the continuance of existing uses, and the future establishment and use of temporary campsites, tent platforms, shelters, and other temporary facilities and equipment directly and necessarily related to such activities. Such facilities and equipment shall be constructed, used and maintained in a manner consistent with the protection of the area in which they are located. Such facilities and equipment shall be subject to removal or proper storage during non-use periods in order to minimize impact on other wilderness users and avoid the appearance of permanent structures in wilderness."

We do not object to subsection 308(b), but we strongly oppose subsection 308(c). We do not agree that "express written concurrence of the agency of the State of Idaho charged with the regulation of the outfitting and guide industry" is appropriate for Federal management decisions that are properly guided by the Wilderness Act and the Forest Land and Resource Management Plans. We recommend this subsection be deleted.

Roads (Section 309)

The bill provides a specific definition of "roads" and such roads incorporated within wilderness boundaries designated by S. 371 would be excluded after enactment. This could create some difficult boundary problems. We believe that those areas where roads are felt to be necessary for future use should not be added to the wilderness system.

Senator BUMPERS. Chief Robertson, I take it that the Forest Service favors the bill—if the amendments you propose are adopted.

Mr. ROBERTSON. Yes, sir.

Senator BUMPERS. You mention in your testimony the Department of Justice raising objections to a couple of sections regarding state concurrence on the closure of aircraft landing strips and prohibition of outfitter camps. The Justice Department has not raised that before. Do you know why?

Mr. ROBERTSON. Well—

Senator BUMPERS. The same language was in last year's bill and no objection was raised.

Mr. ROBERTSON. We probably had a different person reviewing this bill in the Department of Justice, and that was their comment back on this bill.

Senator McCLURE. May I ask a question? I am a little surprised too. As you know, there are similar provisions in law already dealing with other wilderness areas starting with the first wilderness act that was passed.

Mr. ROBERTSON. Well I believe the—if I recall—the language in this bill is identical to the Frank Church Wilderness—

Senator McCLURE. That was passed many years ago as the granddaddy of all the acts. We have lived with that provision for years and years and years and suddenly we have someone who says "Oh, there is a constitutional question".

Mr. ROBERTSON. Well, as I say, there are probably different people; testimony in the Executive Branch gets passed around to the departments.

Senator McCLURE. That is why we have so darn many lawyers in this country.

Mr. ROBERTSON. They do have some concerns about that. As I say, we are somewhat concerned about that, too.

Senator McCLURE. Do you want us to go back and take out the old provisions in the existing law?

Mr. ROBERTSON. Well, once decisions are made, I have a commitment to carry out those decisions. But this is a bill we are working on.

Senator BUMPERS. Chief Robertson, has the agency experienced any significant litigation when entering roadless areas in states where the so called standard release language has been used?

Mr. ROBERTSON. Yes, sir.

Senator BUMPERS. You have?

Mr. ROBERTSON. Yes.

Senator BUMPERS. How significant?

Mr. ROBERTSON. I would say it is pretty significant. Again, it depends on the degree of concern about the specific roadless areas. There have been many roadless areas where we have proposed to move in with a timber sale program in which we have had appeals and lawsuits.

Senator BUMPERS. Have there been any challenges based on the fact that the plan did not sufficiently analyze the wilderness potential of the area?

Mr. ROBERTSON. I do not believe so. I believe the release language takes care of that. We have been challenged on other grounds such as NEPA, or water quality.

Senator BUMPERS. Not because the wilderness potential was not sufficiently analyzed?

Mr. ROBERTSON. I do not believe so because the Act is pretty clear on that.

Senator BUMPERS. Could you give us some updated information on how many timber sales in roadless areas have been appealed and how many litigated by state?

Mr. ROBERTSON. Yes, we can pull that information together for you.

Senator BUMPERS. Is that going to be a monumental chore?

Mr. ROBERTSON. I do not think so. A day or two.

[The information follows:]

Could you provide updated information on how many timber sales in roadless areas have been appealed and how many litigated by state?

Response:

California—2 appeals.

Colorado.—1 appeal.

Georgia.—1 appeal (subsequently resolved and withdrawn).

Idaho.—2 appeals.

Texas.—7 appeals.

Virginia.—1 appeal.

Region 6 (OR & WA).—20 appeals, 4 of which carried into litigation.

Senator BUMPERS. This bill excludes all roads in a proposed wilderness area. Roads are defined by the bill to be any parallel track together with an area measured by 50 feet to each side from the center line of such track which was in use prior to the enactment of this Act. Do any other wilderness areas in the national wilderness system exclude roads in this manner?

Mr. ROBERTSON. I do not believe so. We have some areas where there are that we call cherrystem boundaries for wilderness, but they are specifically drawn on the maps rather than a narrative write-up.

Senator BUMPERS. Do you think the roads are sufficiently defined in this bill that you can identify them? Do you think the bill is specific enough on roads to allow you to identify all of them?

Mr. ROBERTSON. I will have to ask the two regional foresters on that.

Mr. MUMMA. Senator Bumpers and Senator McClure, the definition as proposed in the bill is very clear. There is no doubt about that. I think that it would take some time to locate these parallel tracks that are spoken to and within that proviso is the 50-foot right of way within that area. But it is very clear as spelled out here, but it is not site specific to the roads, per se.

Senator McCLURE. Mr. Chairman, if you would yield, I might illustrate a reason why that language is there. When I introduced my first wilderness bill, I included some lands in the Payette National Forest above the Secesh River as wilderness area. It was not long after that the Forest Service was telling me they needed some money to mitigate the drainage problems from a road within that area. And I look at the standard Forest Service map to determine, in looking at it, whether or not it was roadless.

I was intrigued by the idea that a roadless area had to have some corrective actions for a road. Flying over the area it was easy to see why you needed the money. There was a road built to a back coun-

try ranch. And the problems were obvious from just looking at it, and yet that road did not show. At the same time I looked at another road, flying over the area that went from the south fork of the Salmon up to Ruby Meadow, built by the CCC, if I recall correctly, big cut banks and cut slopes up and filled down the slope.

This is just not a parallel track question; it was a road that is in existence and yet the maps indicated it was roadless. So, having been once burned, I decided the best way to do that was to simply say if the road is there the road is there, rather than depending on our ability to go out and find it.

Your people know more about the forests, I suspect, in detail in that regard, than do the Governor and I, although I do not think either of us are slouches with respect to knowing this country. But I think if the road is there you can find it even if it does not show on your map at the current time. And that is a lot easier than for us, without the resources at our hand, to try to exclude them by boundaries on the map, which is the customary way.

Senator BUMPERS. I was just wondering if any hiking or biking trails might get caught up in this definition?

Mr. MUMMA. I do not believe they would. It is possible, but I do not believe so.

Senator BUMPERS. Senator McClure.

Senator McCLURE. Thank you very much. I appreciate your testimony, Chief Robertson, I really do, and your offer to work with us on minor boundary adjustments I understand. I also understand why you are concerned about language which is prescriptive. I think at an earlier hearing, there I am talking about special management areas that are less than multiple use management, they restrict your discretion now and in the future.

But nothing is more highly prescriptive than a special use management area, isn't that correct? A wilderness itself is a prescriptive designation. It is prescriptive language.

Mr. ROBERTSON. Yes, it is.

Senator McCLURE. It is a special use management area, is it not?

Mr. ROBERTSON. Yes.

Senator McCLURE. Now the alternative that might be suggested by some is that in each instance we take the special management areas and make them wilderness. That would deprive you of future discretion too, would it not?

Mr. ROBERTSON. That would be more restrictive than the present special management areas that is outlined now in the bill.

Senator McCLURE. You did not mention it in your statement. You may have mentioned it in the detailed addendum with respect to the requirement for a specific volume on the Bonner's Ferry District.

Mr. ROBERTSON. Yes, that is in my testimony.

Senator McCLURE. I went through it quickly; I did not see it.

Mr. ROBERTSON. We talk about that on page six of the testimony and we say that we recommend that the specific management requirements be deleted, such as designating the allowable sale quantity for the Bonner's Ferry Ranger District.

Senator McCLURE. I know that you know the genesis of that particular provision. Within that area there are a number of mills that have defined timber requirements. There is also a strong

desire on the part of some to designate Long Canyon as wilderness area. The wilderness area is not proposed for wilderness in your management proposal.

In order to accommodate those who wish to have wilderness designation of Long Canyon, the Governor and I simply looked at the standing volumes on other portions of that district. And we said, with some very slight modifications in your prescriptions on the balance of the district, you could make up in volume what would be lost by the designation of Long Canyon as wilderness.

The people in the area who are worried about the maintenance of the timber base and the timber based economy in that area are obviously very much concerned that Long Canyon not be designated wilderness. This is our way of saying you can have both. You can keep the timber operations in that area; you can have a wilderness in Long Canyon. We believe this is the right way to do it.

I think you do understand the reasons why that was put in in that fashion, do you not?

Mr. ROBERTSON. Yes I understand that very clearly.

Senator McCLURE. I will not at this time get into the question in detail, but in general, I believe you are familiar with the proposal of the Kootenai Indians to be assigned a portion of that district as reservation lands for them. And the proposals that they had made, although I think they have now been withdrawn, with respect to the management of that unit which they had asked to be turned over to them in the timber harvest that they expected to get from it.

Mr. ROBERTSON. Yes I am familiar with that.

Senator McCLURE. As one example, without going into all the details, the Forest Service had a very restrictive management regime proposed for that unit, which almost by itself, yielded the differences in volume prescribed by this section.

Mr. MUMMA. Yes.

Senator McCLURE. So there are some alternatives that could be applied to the balance of the Bonner's Ferry Ranger District that would meet this requirement without unduly or adversely affecting the environmental values which we all seek to enhance. It is a simple tradeoff. If you want Long Canyon and wilderness, something else has to give.

Mr. ROBERTSON. I understand that, Senator McClure. We looked at that in our forest plan and we went the other way. We did not put Long Canyon in wilderness and had a specific prescription for how much ASQ we could manage in that country. So I understand you have gone the other way.

It is a close call. It is not all one way or the other. It is a judgment call.

Senator McCLURE. And the leading environmental organization in that particular area said, "This is a tradeoff we approve. We want Long Canyon badly enough. We are willing to give a little bit somewhere else in the district." And that is what the Governor and I tried to put into the legislation at the request of the parties on both sides. One said, "Assure us some volumes" the other said, "If you will give us Long Canyon, we will let you assure some volumes."

It is a simple issue and I appreciate the fact that you said it is a close call because, indeed, I think it is.

You see on page five we touched on the question with Senator Bumpers a moment ago on roads. You would prefer that the areas proposed containing roads be excluded before the bill is enacted. I guess I would prefer it if we could do that too. And if you had a map we could use, we might have done that. But I was really startled. I know that Payette Forest pretty well.

I was born and reared in that area and my grandfather had a mining interest in that area. I have been over a lot of it hunting and fishing. I was misled because I have never driven that road from Ruby Meadows to the south fork and I included it in wilderness boundary in one of my proposals. And yet, you cannot miss the road. It is there, everywhere except on your map.

And so, having found that to be true in one instance, I thought it was best not to repeat the exercise and learn after we pass that bill that indeed there were roads in existence that we did not exclude. So the Governor and I in discussing said, "Well the easiest way to do that is let you do your work."

Mr. ROBERTSON. Senator McClure, it depends on how many roads we are talking about. And obviously you are more familiar with that country than I am. We would hate to see a wilderness designation that has roads going through it, splitting it up, and people being able to go across the wilderness in motorized vehicles.

Senator McCLURE. Well if the road is there it does not qualify for wilderness, does it? It is not a roadless area if the road is there.

Mr. ROBERTSON. Yes. In logic, yes, but we may have some roadless areas out there that have got some roads as you are pointing out.

Senator McCLURE. But we should not have, should we? Under the policy that has been set down for roadless area review and wilderness designation? They are supposed to be roadless areas.

Mr. ROBERTSON. Yes.

Senator McCLURE. They do not qualify by definition if the road is there.

Mr. ROBERTSON. Again, I am just commenting on I think principle. I do not know the details of how many roads we are talking about on some of these areas. If it is just a short trail or road that goes up part way, what we normally call a cherrystem road, we have got those in other wildernesses.

And that make sense that we are able to make that adjustment. But, conceptually, as I say in my testimony, we basically, if we have got a lot of roads in the area, we would prefer to keep it out of wilderness classification rather than having a wilderness with a lot of roads and motorized use in it.

And I am just talking conceptually.

Senator McCLURE. All right. I might invite you then to look at each of the areas the Governor and I have proposed and tell us which ones have roads in them that should not be designated because they are roaded. If you could do that.

Mr. ROBERTSON. Yes, we will do that.

Senator McCLURE. And if as a matter of fact, you do not make that recommendation to us, I will assume that you have by your

review determined that there are not enough roads in the area to cause you a problem under this provision.

With respect to Snowbank area, you refer to it on page four. And you have said that it is used for gathering firewood and snowmobiling.

Now, that is the viewshed right above Cascade Reservoir, and next to State Highway 55. It is the area you look at. You do not propose timber harvest on that front as I understand it, nor would I suggest that you should.

You say snowmobiling, and I suspect the only area of possible conflict with snowmobiling is right on the top of the mountain, is that correct?

Mr. ROBERTSON. I will ask Deputy Regional Forester Roederer to answer that.

Mr. ROEDERER. That is basically correct, Senator. The common usage is up the Anderson Creek Road and then up to the ridge, and then up and down the ridge.

Senator McCCLURE. Up and down the ridge. So really the only possible conflict with snowmobiling might lie right on the ridge at the upper side of the proposed wilderness areas.

Mr. ROEDERER. That is the only place the use is occurring to date, yes.

Senator McCCLURE. So that if the boundary could be—and I do not know how extensive that is. I have heard from some people who do snowmobile up there. That happens to be an area where I go grouse hunting. I am very familiar with it when the snow is not there.

I do not think that it is a serious problem. The only way I see it being a problem at all is that the top of the ridge is relatively rounded; and our definition of the area was the watershed.

The watershed boundary might not be easy to discern on an open area on the top of the ridge, and a snowmobiler that is up there in the wintertime might accidentally get across on the wrong side of the watershed.

I do not think that is a major problem. Do you view that as a major problem?

Mr. ROEDERER. We would be happy to take a look at it and see if there is an alternate boundary there that would take care of the use.

Senator McCCLURE. Because I think what the governor and I are after is protecting that front which is in view so that you do not have conflicting uses that would impair that viewshed.

The helicopter skiing is a specific issue on the Palisades. I assume that at the bottom of page four, on motorized access, you are referring to the motorized access which is under existing law and made specific in this with respect to the access by those people who have grazing rights, salting areas, water holes. What are you referring to as "motorized access"?

Mr. ROBERTSON. We are talking about watershed, local municipalities for the maintenance of watershed facilities.

Senator McCCLURE. And you do not want them to have motorized access for that purpose?

Mr. ROBERTSON. I would rather see if we could work it out to exclude those areas that need motorized access in order to maintain their facilities.

Senator McCLURE. You would rather not have it placed in wilderness?

Mr. ROBERTSON. Yes.

Senator McCLURE. Your solution to that problem would be to exclude it from wilderness.

Mr. ROBERTSON. Yes. If that is possible, we would like to do that.

Senator McCLURE. To go through the area by area comments which you have appended to the statement, I will do so and certainly avail myself of your offer to sit down and talk about specific boundary changes which you might wish. We will certainly look at those very carefully.

Thank you very much.

Congressman Craig, I want to welcome you here. Congressman Stallings was here earlier before the vote and went to vote. I would certainly welcome any comments that you might have or any questions you would like to address to the witness.

Mr. CRAIG. Senator, thank you very much for a chance to sit in and listen to hearings on this important issue. Dale, it is good to have you before the committee. I apologize. We have an interesting cross-conflict in time today.

We are hearing wolves over on the House side. An issue that you and I have been involved in, Senator. And over here we are hearing wilderness. And both issues are important to Idaho, so I have been pulled between the two. I came to listen, and I thank you for that opportunity. It is an issue that has long plagued our state. It is an issue that begs a solution.

Thank you.

Senator McCLURE. Governor, you had said earlier you had to catch an airplane. I would invite you to join us up here if you would like pending the time you have to leave.

Governor ANDRUS. Mr. Chairman, I appreciate your courtesy. I did want to hear what the Forest Service had to say, and I will excuse myself. Thank you.

Senator McCLURE. Thank you very, very much. I was not asking you to leave. I was asking you to come join me.

Governor ANDRUS. Well, I do not feel like I am being run out, Senator.

Senator McCLURE. Thank you very much. And I might just note for the record that I understand, Mr. Roederer, you are about ready to go into retirement.

Mr. ROEDERER. That is correct. A week from tomorrow.

Senator McCLURE. One week from tomorrow. Welcome on what may be your last appearance before this committee then.

Mr. ROEDERER. Thank you very much.

Mr. ROBERTSON. And he is moving to Idaho.

Senator McCLURE. Well, you see, I knew he had good judgment. Excellent taste. Good luck to you. I look forward to seeing you again. Thank you very much and thank you all for your testimony.

The remaining witnesses I will invite to come forward as a panel. Mr. Doug Scott, conservation director of the Sierra Club; Karin Sheldon, Counsel for the Wilderness Society; Michael Medberry,

Idaho Conservation League; Tod Maddock, Potlash Corporation; Karl Mote, Northwest Mining Association; Virgil Cromer, AFL-CIO from Genessee, Idaho.

Looks to me like we have Tim Mueller instead of Tod Maddock. I do note the difference. No disrespect to either. Ladies and Gentlemen. We have your statements. I would invite you to summarize in a brief fashion whatever you wish to highlight out of those statements, and then we will proceed after hearing from all of you, we will then proceed to questions.

Scott.

STATEMENT OF DOUGLAS W. SCOTT, DIRECTOR OF CONSERVATION, SIERRA CLUB

Mr. SCOTT. Thank you very much, Senator McClure.

I might say that the three of us representing environmental organizations here today have divided the subjects up.

Senator MCCLURE. You mean you have been talking to each other.

Mr. SCOTT. We have been talking to each other. That is right. We even talked to Tim Mueller today too.

I want to thank you very much for the opportunity to be here today on behalf of the Sierra Club. My name is Doug Scott. I am the conservation director for the national organization.

I want in the spirit that the Chief just spoke to say that I am here to support your bill as well with amendments. I want to be in the same church with the Forest Service. The amendments are rather extensive as it happens.

I want to dwell primarily on the special management area language of the bill, but in doing so, call your attention to the fact as you well know, Senator, that at your field hearings and in other ways you have heard a great deal from environmental representatives from many groups, including the Sierra Club in Idaho, who are the experts on our views about the individual areas.

And I make no pretense in that regard. I am here rather to stress from the point of view of the national Sierra Club and I think other national environmental groups our deep misgivings about the degree and type of special management language which is included in this bill. A bill which we think makes a pretty good start, not all the way that we would like to go, but a pretty good start in an improvement over past bills in its wilderness proposals, is however dominated by the great mass of content which is devoted to these special management areas.

We believe that these are unwise as a generality and should not be included in legislative language for a number of reasons. As in the case of the Mallard-Larkins Special Management Area, by extracting from a forest plan which is not yet final because it is under challenge on some of these very same grounds, by extracting a particular management regime, a management formula, and proposing to make that permanent on this area of the national forest, it seems to us that that flies in the very face of the whole point of the National Forest Management Act and the other basic statutes that specify that the national forest land should be managed with a

flexible approach outside of those areas that have been designated as wilderness, should be managed with a flexible approach.

The C8S prescription on the Clearwater may well prove fruitful. We are doubtful of that. But the Forest Service, we believe, needs to have the flexibility over time, through the monitoring that the National Forest Management Act requires, through the periodic review that is required every ten to fifteen years to assess how that is going on the lands to which it is applied, to change which land it is applied to, to modify the prescription.

And legislating that degree of management direction seems to us to be extremely unwise on the merits for these lands, and exceptionally unwise as a precedent and as a pattern for other national forest lands far beyond the state of Idaho. It just seems that we are starting down a trail that, yes, and I will agree has been trod a little bit in other statutes and in other places, but in general, in the mass of 26 states in which post-RARE II wilderness legislation has been enacted, it has not been found by the Congress necessary to do this.

And that is the path that we think is the better one. And so as with the Chief, I would express our deep concern about that legislating of something that still needs to be proven. Similarly, the Bonner's Ferry Ranger District language that would mandate a particular increase in the harvest level, seems to us to be similarly unwise.

The Congress has tried that with another large national forest and found that it was not without its subsequent controversy. That seems to us to be extremely unwise. My information differs from that which you were given the Chief. I believe that Long Canyon is not in the cut, not in the base.

We believe the cut in historic times on that ranger district and in the area tributary to those two mills has been in the range of 37, 38 million board feet, on the average. That that is the plan for the future, something like 37 million feet, and that that is adequate for those mills without increasing the cut by this statutory process.

The final point I would like to make about the special management language is that it effectively cuts off and minimizes future opportunities for public involvement in the very process of fine tuning and future change in forest management prescriptions, particularly, the language on the Clearwater, the Mallard-Larkins and other areas there that says that these prescriptions are to be permanently managed.

But even though the word "permanent" is not on the others, the effect I think is the same. These are issues which are contentious and difficult. Whether these particular management prescriptions will work or not is unproven at this time. That ought to be something that local people of all persuasions working with the local Forest Service and with the congressional delegation can continue to discuss, debate, alter, fine tune, evolve.

And fixing it in statute seems to us again to be an unwise procedure. I want to make a final comment if I may about the aircraft language and the grazing language, and simply say that in my view the practice which has been used in numerous other wilderness bills in the past would be preferable if the intent is the same which I think it may not be.

And that is that the exact language of the Wilderness Act on grazing and the exact language of the Wilderness Act on the landing of aircraft be included in this statute and not a different legal regime for these particular wilderness areas in one state. Repeating of the fundamental language from the Wilderness Act is not problematical to us. Varying it state by state, creates the same circumstance that this special management language creates.

It is my belief that a citizen from any state in the Union should be able to visit a national forest in Idaho or any other state and assume that the same basic regime of laws and direction are operative. Same for wilderness areas. And I think we start down a path that is undesirable when we begin to carve off state-specific proposals.

[The prepared statement of Mr. Scott follows:]

SIERRA CLUB



408 C Street N.E., Washington, D.C. 20002 (202) 547-1141

Testimony of

Douglas W. Scott, Sierra Club Director of Conservation

Concerning

The Idaho Forest Management Act of 1989 (S. 371)

Before the

Subcommittee on National Parks, Public Lands and Forests
Energy and Natural Resources Committee
United States Senate

July 20, 1989

Mr. Chairman and distinguished members of the Committee:

I am Douglas W. Scott, the Director of Conservation for the Sierra Club, and thank you for the opportunity to testify today on behalf of the Sierra Club regarding the Idaho Forest Management Act of 1989.

The Sierra Club was founded in 1892 and represents over 500,000 members nationwide. The Sierra Club actively works to preserve America's wild places and encourage sound management of our public lands. With our Idaho members, we have long been involved in developing wilderness proposals, resolving conflict, and working to improve the management of our national forest lands in Idaho.

The Idaho Forest Management Act should be looked at in two distinct parts: (1) the wilderness designations and (2) the proposed special management provisions -- the other two-thirds of the 31 pages of proposed law. The package of wilderness designations in S. 371 would have constituted a positive step toward wilderness legislation for Idaho, as there is more of our current wilderness proposal reflected in the bill than in the 1984 proposal from the Idaho delegation.

Sierra Club volunteers from our chapter in Idaho have been very involved with preparing maps and boundary proposals for consideration. There are a great many areas of tremendous significance that were not included in S. 371, or, in some cases, if they were included the boundaries were insufficient to protect the resources present. Our local volunteers, with their on-the-ground knowledge of areas and resource values, are our best experts on wilderness designations in Idaho, and I will defer to their expertise on this matter. Earlier this year, at the request of Idaho conservationists, Rep. Peter Kostmayer introduced the Idaho Wilderness Act (H.R. 2213), and Committee

"When we try to pick out anything by itself, we find it hitched to everything else in the universe." *John Muir*
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members can refer to that for details of the proposal which Idaho conservationists have developed, including our local Northern Rockies Chapter, and the Sierra Club wholeheartedly supports.

The complicated special management language impacting both the proposed wilderness areas and many other areas in Idaho national forests are, at best, problematic and set damaging precedents for wilderness bills and forest management nationwide.

A. Bonners Ferry and Idaho Panhandle National Forests

Section 103(a)(1) "Notwithstanding any other provision of law" the Bonners Ferry Special Management Area will "provide 3.5 million board feet additional allowable sales quantity (ASQ) of timber annually above the allowable sales quantity level for that area in the forest plan." Further, the ASQ for the entire Bonners Ferry Ranger District "shall not be less than 40.5 million board feet annually...and the (ASQ) for the entire Idaho Panhandle National Forest shall be not less than 283.5 million board feet annually for the first planning period (emphasis added)."

** The "notwithstanding any other provision of law" means that this required harvest must come regardless of violations of other substantive laws including the Endangered Species Act (the added 3.5 mmbf harvest must come out of grizzly habitat), the Clean Water Act, the National Forest Management Act, the Multiple Use Sustained Yield Act and even the Wilderness Act.

** The setting of an overall timber sale level for the Idaho Panhandle National Forests through congressional legislation undermines the National Forest Management Act (NFMA) direction of maintaining agency flexibility to respond to changing circumstances or information. This is an annual requirement for the life of the plan, no matter the degree of damage to forest resources or new information on sustainability of these timber levels which may be found.

** The average annual volume of sold timber on the Bonners Ferry Ranger district from 1973 - 1988 is 38.1 mmbf. The average for the last ten years from 1979 - 1988 is 37.6 mmbf. The Forest Service is planning on selling 37 mmbf during the current 10 year period as an average. The Ranger District to the south is increasing their 10-year average volume in the area where the two Boundary County mills have access to 6 mmbf. There is clearly no need to legislate a mandatory timber target in order to meet proven timber requirements for the area.

B. Mallard-Larkins

Section 103(a)(2) addresses the Mallard-Larkins Special Management Area and allocates several drainages very important to fish and wildlife habitat

and recreation and mandates they be "managed permanently as a "C8S" area as described in the Forest Plan (emphasis added)." The alleged reason for this is to maintain fish and wildlife habitat " while producing timber from the productive Forest land."

The "C8S" classification in the final Clearwater forest plan attempts to provide timber harvest and road building while maintaining fish and wildlife habitat. The plan states that a goal of the classification is to "manage big-game summer range for a minimum of 75 percent of elk habitat potential." It further states that "timber harvest activities during winter months will not be restricted" if there is no major wildlife conflict and that the agency staff should "locate and design roads for timber harvest only."

** This section legislates untested and unproven timber harvest activities from controversial forest plans as a substitute for the proven wildlife enhancement aspects of wilderness designation. This "special" area includes portions of the conservationists' wilderness proposal for the Mallard-Larkins area. These forest plans (Clearwater and Panhandle) are now under appeal by a wide variety of conservation and sportsmen groups. These aspects of the plan under appeal include many of the very provisions that are being legislated in this bill.

** These plans are unproven, highly controversial, and do not represent final decisions by the Agency because they are still subject to the appeals and judicial review. Wilderness designation would maintain the proven capability of these areas to provide for fish, wildlife, and watershed. Through legislating portions of the plans, the public is being denied the Forest Service's peer review process, the public administrative review, and judicial review required by Congress in the National Forest Management Act (NFMA). They are proposed for management under a timber management regime that could well damage these resources.

** The "C8S" provisions within the Clearwater Forest Plan are administrative and thus allow the Agency to change them if the result of the management is not what the Agency had in mind when the provisions were adopted. The NFMA requires that Forest Plans and the management provisions within them be reviewed at regular intervals. Legislating the particular provisions of a plan could well result in the Forest Service having to implement management activities that, after a short time, are determined not to be producing the desired results. The NFMA's requirements of regular agency review of management options is then thwarted.

** Our concerns are deeper than the philosophical opposition to Congress permanently legislating micro-management of unproven management prescriptions. These specific areas have not been proven suitable for timber management and road building. These areas contain soils with high erosion and mass wasting potential, and soils upon which the Forest Service has not been able to document successful regeneration within five years. Smith Ridge, west of Mallard-Larkins, has remained unstocked several years now since the timber was cut. Similar soils are found in Foehl, Minnisaka, and Skull Creeks. These areas also have streams which support high value cutthroat trout fisheries.

The "C8S" prescription, which is supposed to protect fisheries, allows up to 20 percent habitat degradation, and allows even this weak standard to be exceeded for 10 out of 30 years.

C. East Weitas

Section 103(a)(3) deals with establishment of another special management area in the Clearwater forest for the East Weitas area. This would again legislate the "C8S" management prescription for the area, with the same problems highlighted previously.

D. Cook Mountain

Section 103(a)(4) establishes another special management area in the Clearwater forest, specifically the Cook Mountain area. This again would legislate unproven management provisions from the controversial Clearwater National Forest plan, in this case the "C1" management prescription in the plan.

** Even though the Clearwater National Forest plan excludes "scheduled timber harvest" from a "C1" area, it does allow harvesting for a variety of reasons, including: wildlife or recreational objectives, or to control insect and disease epidemics that threaten other timberlands.

** The primary objection to this section is not the particular threats posed by the "C1" management, but the permanent legislating of untested and unproven provisions of a forest plan and the denial of the public review, internal agency review and judicial review as provided by the National Forest Management Act (NFMA), as discussed previously.

E. French Creek

Section 103(a)(5) establishes the French Creek special management area on the Payette National Forest. The bill states that "the goal of this management prescription is to improve wildlife and fishery resources while producing timber from the productive Forest land." It further requires that "new roads will be constructed for the purpose of timber harvest and management" and then closed to the public.

The legislation provides standards for the management of this area including:

"(iii) Ecotones shall be created in timber sale units..."

"(iv) Big game wallows and licks identified as key habitat by the Secretary shall be protected from disturbance and hiding cover shall be maintained immediately adjacent thereto. No timber harvest of any kind shall occur near wallows or licks during the 'Rut.'"

** This area is a key portion of our French Creek/Patrick Butte wilderness proposal and we believe that the best management of the area is for it to be left roadless and protected as wilderness.

** The legislation institutes an unproven management scheme in place of wilderness. However, the basic facts remain: French Creek/Patrick Butte will be logged and roaded, fish and wildlife habitat will be lost, and this will likely translate into actual diminished wildlife populations.

** The special management provisions are not special provisions designed to protect French Creek, but nothing more than the standards and guidelines prescribed for general forest management across the entire Payette Forest. These provisions provide no extra measure of protection as implied by S. 371. Congress would not be taking extra measures to protect an area, but just legislating untested and unproven management standards and removing the flexibility to change management if impacts are higher than projected. Again, the only proven "management" which would protect this magnificent area is keeping it the way it is; wild and roadless, through wilderness designation.

** Again, this Congressional micro-managing of national forest lands bypasses public review, agency review and judicial review now required by the NFMA. The final plan Payette has been released and is under appeal to correct some of the very same deficiencies that this legislation attempts to make permanent.

** The provisions concerning creation of ecotones, identification of wallows and licks, etc., are based on the Payette management plan. Such provisions may provide little protection for wildlife. Legislating them could well inhibit Forest Service management flexibility and result in the agency being forced to implement management activities that are failing to produce the desired result.

F. South Fork of the Salmon River

Section 103(a)(6)(A) creates the South Fork (of the Salmon River) Special Management Areas. It includes the area "generally one half mile in both directions from the center of the South Fork of the Salmon River..." where no harvesting will be allowed.

Elsewhere in the South Fork drainage timber harvest will again be allowed, after being administratively forbidden since 1965. The legislation set up the following logging standards for the area:

"(i) Sediment deposited in the reach system shall be mitigated;

(ii) Mitigation shall occur by removal of deposited sediment or by prevention of sedimentation, in an amount equal to, in volume, the total amount of the sediment to be deposited in the reach system as a result of commercial activity...as predicted by the BQISET sedimentation model, or any state-of-the-art reach system specific replacement;

(iii) Mitigation...shall occur before, during, or immediately after commercial activity" occurs. "Mitigation by removal shall occur, to the extent reasonably practicable, in locations within the reach system..."

** The South Fork was once the most productive spawning area in the entire Columbia River system for summer-run Chinook salmon. The fishery was nearly destroyed by sedimentation due to logging and road building. After slow recovery it continues to be an important fishery today for salmon and steelhead and is improving. Conservationists believe that this is not the time to open it up again to soil disturbing activity, particularly in light of the untested nature of the proposed logging activities, the unproven sedimentation model, and the overwhelming value of the fishery.

** The mitigation activities proposed are unproven and place the resource at great risk. It allows for estimating the likely sedimentation to result from logging and allows advance removal of this amount from the river.

** The South Fork Salmon is a good case-in-point concerning the legislating of administrative flexibility. The South Fork was open for logging in the 1960's, but after a series of sedimentation problems developed the area was closed to logging to protect and restore the river's fisheries. If at that time the Forest Service had been operating under legislation such as S. 371 which mandated certain logging practices be followed, it might have taken years for the necessary changes to be made in the law that would have allowed the Forest Service to close down the logging. In that time much more damage would have occurred.

G. Lime Creek and Smoky Mountains

Section 103(a)(7) establishes the Lime Creek special management area followed by 103(l)(8) which establishes the Smoky Mountain special management area. The language for both subsections is similar stating that:

"The Secretary shall designate certain trails in the area for use solely by motorized vehicles..." and that "the Secretary shall not construct any new trails within the area..."

** Trails solely for motorized vehicles! This provision may be unique in the nation. It begs the question of what happens if one was caught on foot on one of these trails.

** Notwithstanding the conflict between motorized vehicles and recreation, it is our understanding that the intent of the provisions are to protect the areas from logging and for recreation use. However, there is no language in S. 371 to ban timber harvest. In fact, it directs that management must "emphasize achieving the purposes for which the areas are designated" but otherwise be managed "in accordance with the laws and regulations applicable to the National Forest System". This essentially means that the Forest Service emphasize recreation, but otherwise manage the areas consistent with what the forest plans recommend.

** This type of special management area carries all of the previously mentioned problems of legislating forest plans with the addition of one more: the Lime Creek and Smokies special management areas would have permanently mandated ORV use.

Summary of Section 103

This section provides "back-door" hard release for the timber industry and ORV users in that it mandates timber harvest and/or ORV use on certain lands in perpetuity. It denies the public the administrative and judicial review of forest plans granted by the National Forest Management Act (NFMA), undermines the intent and integrity of the forest planning process, and involves Congress in exactly what it choose not to do in passing the NFMA, which was to micro-manage the national forests.

This would be a good opportunity to discuss the issue of timber sale appeals, and the impact they are having on Idaho timber supply. That impact, in part, is behind the supposed need for the special management language dealing with timberlands in S. 371.

Statewide, assuming an average 1.7 to 2 billion board foot lumber production for the state of Idaho over the last five years, only four percent of the average volume was halted due to timber sale appeals. The other appeals which were filed were dismissed or negotiated to a settlement. One must assume that some sales on Idaho national forests, for a variety of reasons, are ill-conceived and have unwarranted environmental impact. Therefore, one must assume that real justification exists for some timber sales being appealed and the challenge upheld.

These numerous provisions which I have described are unprecedented and could pose a threat to sound national forest management in Idaho and throughout the nation. Forest planning has been controversial nationwide as the Forest Service reveals for the first time how they intend to manage our national forests for the future. Many of these recommendations and the management prescriptions to implement them are untested and unproven and fly in the face of the public's desire to retain wild places and assure sensitive management of our forest resources. That is why Congress included public involvement provisions and allowed for administrative and legal review of agency planning decisions.

This legislation would bypass all these protective measures to help assure sound forest management and frequently replace wild places with unproven alternatives. With the continuing controversy surrounding forest management planning this could well set precedent and inspire others to circumvent the checks and balances including in the National Forest Management Act in a hasty attempt to impose final forest planning solutions.

TITLE II

Title II, 201 is standard (soft) release language. It has been included in wilderness bills since 1984. This is perfectly appropriate and supported by the conservation community. It states that the RARE-II EIS is sufficient under the National Environmental Policy Act, that the area need not be managed for the purpose of protecting their suitability for wilderness during the first round of land use plans under the NFMA, and that the Forest Service need not review roadless lands for possible wilderness lands during the first round of plans.

One provision that was not included in standard release language, but long sought by the timber industry, is mandated development of roadless lands. However, sections 103(a)1, 103(a)2, 103(a)3, 103(a)5, 103(a)6, 103(a)7, and 103(a)8 provide such mandated development of roadless lands and thus they subvert the intent and purpose of standard release language.

TITLE III - Miscellaneous Provisions

In this section wilderness management questions which have been a matter of agency discretion and careful case-by-case determinations. This title makes blanket decisions and places further requirements upon the agency.

A. Grazing Rights

Section 301 allows continuation of grazing activities "with such motorized vehicular access and water developments as may be in use on such lands. Predator control methods shall be continued as currently practiced on such lands."

** This provision thus mandates current grazing levels and continues motorized access if it degrades the wilderness qualities of the area and, in the case of motorized access, may not be really necessary to accomplish the desired task.

** Those representing the grazing interests have now twice agreed to and, after it was incorporated into law, abandoned agreements seeking the clarification of grazing uses within wilderness areas. In 1980, language was included in the Colorado Wilderness Act Committee report directing the Forest Service to manage grazing within wilderness area in a specific manner. Then, in 1984, the Congress in the Arizona Wilderness Act included language in the law to require the Forest Service to meet the earlier directive. Absent any specific finding that the Forest Service is not obeying these provisions, any further revisions of these agreements with the grazing community are unwarranted.

B. Water Rights

Section 302(a) states that "nothing in the Wilderness Act nor this Act nor any other legislation designating lands as wilderness or Special

Management Areas shall constitute or be construed to constitute either an express or implied reservation of water or water rights for any purpose."

** This simply means there will be no wilderness water rights for any of the newly designated lands, nor for all previous designated wilderness areas in Idaho. Such a provision flies against all precedent in past wilderness bills where wilderness water rights are assumed and could have far reaching implications for all western wilderness areas. It denies these water rights when in fact a major reason for wilderness is to protect fish and wildlife values. Most of Idaho's wilderness is at the top of stream drainages and this should not be an issue.

** This provision also takes away all water rights for areas already designated wilderness -- Selway-Bitterroot, Frank Church River of No Return, Gospel-Hump, Sawtooth Wilderness and Hells Canyon.

C. Aircraft Landings

Section 305 grandfathers in landing of aircraft "where this use has become established prior to the date of enactment of this Act". It further requires this use to "be permitted to continue and the Secretary shall not permanently close and shall maintain any aircraft landing strip".

** This provision makes permanent all previously operating air strips in all Idaho wilderness areas for all time. It takes away discretion in such matters from the Forest Service and requires that landing strips remain open even if they degrade the wilderness, harm wildlife, are unsafe or use becomes too infrequent to warrant continued maintenance.

D. Outfitters

Section 308 requires the Forest Service to permit all outfitter and guide camps and practices where established "subject to reasonable regulation to insure compatibility".

** The conservation community has long supported the establishment of outfitter and guide camps as compatible with wilderness use and designation. However, there have been specific cases of abuse of this established use that have resulted in wilderness resource damage.

** We are concerned that the above mentioned provision takes issues which have been matters of agency discretion and case-by-case consideration and grandfathers existing practices except for a narrow standard of incompatibility. This will have a chilling effect on the agency and might result in a lower standard of outfitter and guide camps and practices.

** S. 371 defies a recent site-specific agreement between the Forest Service and the Idaho Outfitter and Guides Association. That agreement calls for the two parties to address and settle their differences on a site-specific manner

addressing real on-the-ground problems. S. 371 takes away any incentive for Idahoans to sit down and work out problems by mandating that such practices will be allowed to continue.

F. Roads

And finally, Section 309(a) declares that "any parallel track together with an area measured by 50 feet to each side from the center line of such track which was in use prior to the enactment of this Act...which may be traveled by four wheel vehicles licensed for highway use...is hereby defined as a road." Followed by, "and the Secretary shall indicate such roads on the maps and shall revise the boundaries..." to exclude the areas from the wilderness areas.

** This definition of roads presents a serious threat to proposed wilderness areas throughout the state of Idaho by allowing any old obscure "track" to be defined as a road and removed from wilderness. In much of Idaho these tracks are numerous and because of the open nature of the terrain are easily driven but are not maintained nor meet a critical transportation need.

** In previous wilderness legislation the Congress has carefully decided whether to include or exclude these tracks from an area to be designated as wilderness. We believe that this approach is superior to the one outlined above which might cause repeated reevaluation of wilderness boundaries making management of the area, difficult, if not impossible.

OTHER PROVISIONS

Section 102(q) establishes the Palisades Wilderness area at 150,200 acres. It also requires the Forest Service to continue to "permit landings for recreational skiing as if the area had not been designated wilderness."

** Other areas have been created that allow for continued usage of established aircraft landing strips, but no wilderness area has been established that provided for unfettered landings of helicopters if they are engaged in recreational skiing.

** Such a provision would diminish the wilderness quality of the area and could be detrimental to wildlife.

SUMMARY

In summary, we believe that it is clear that many of the provisions included in the bill would require the Congress to delve far into fine points of the management of non-wilderness national forest lands. This has been something which Congress has resisted and, instead, has required the Forest Service to comply with the provisions of the National Forest Management Act and which explicitly require public involvement and the flexibility to respond

to changed circumstances, failure of the management prescriptions to produce the desired results, or new information.

We also believe that the Congress must resist the efforts made in this bill to permanently designate areas for timber harvest using untested and unproven management regimes. This effort was resisted when Congress decided on the provisions of standard release language that has been included in more than two dozen statewide bills.

The Sierra Club, and all conservationists, look forward to passage of an Idaho wilderness bill for national forest lands. We believe that all the provisions described in this testimony are extraneous to the Idaho wilderness issue and should be removed from the bill before it is passed.

Senator McClure. Thank you very much.
Ms. Sheldon.

**STATEMENT OF KARIN SHELDON, SENIOR COUNSEL, THE
WILDERNESS SOCIETY**

Ms. SHELDON. Thank you, Senator McClure. It is a pleasure to be here this afternoon.

The focus of my remarks today is section 302 of the Idaho Forest Management Act which concerns water rights for the lands designated by the Act as wilderness or special management areas. My comments reflect a number of things in my background which give me what I hope is a useful perspective on the wilderness water rights issue.

First and foremost, I am a Westerner. Although I now live in the Washington, D.C. area, I grew up in Spokane, Washington, and I was blessed to have a childhood which involved summers exploring the glories of Idaho, camping and hiking around Coeur d'Alene, Hayden, Pend d'Oreille, Priest Lakes, the St. Joe River, the White Clouds Peaks, Bonner's Ferry, Beetle Hump, the wonderful and magic places that are in that state.

In addition, my family held water rights on their small farm in Oregon. I have practiced water law in the water courts of Colorado where I lived for ten years, and I have taught water law in law schools in Colorado and Oregon. So I do have an understanding of how critical water is to the West, and I understand also the benefits of the Western water law system.

Nonetheless, section 302 of Senate Bill 371 as written, is unacceptable. It attempts to retroactively amend the Wilderness Act of 1964, undo some 81 years of judicial doctrine, eliminate reserved rights for existing and future Idaho wilderness areas, and constrain both the Congress and the courts from expressing or finding the existence of water rights for any purpose.

The section goes well beyond any acceptable effort to protect state law and remain neutral on the issue of reserved water rights. I would like to emphasize three points about the section. To begin with, the section prohibits Congress from providing water rights for wilderness areas in Idaho even if the intent of the majority of members of Congress is explicitly stated.

Denying water rights for the areas which are proposed by the bill is pointless because most of these areas are located at the headwaters of streams and therefore create no conflict with downstream appropriators. For future bills, it seems to the Wilderness Society not appropriate to block the rights of members of Congress to exercise their determination of what should be reserved for future wilderness areas.

The second point I would like to make is that section 302 abandons water rights reserved by implication for the four million acres of existing Idaho wilderness under the Supreme Court's doctrine of federal reserved water rights. Since 1908, the Supreme Court has consistently held that when Congress acts to reserve public lands for special purposes, it also by implication reserves sufficient water to fulfill these purposes.

The basis for this doctrine is the logical conclusion that Congress would not set aside lands without also setting aside the water necessary to sustain them. What is most puzzling about section 302 in this regard is that nearly all of Idaho's existing wilderness areas are at the headwaters of streams, and thus there is no conflict between water rights for these areas and the rights of downstream appropriators.

Perhaps the central feature of section 302 is that it offers state water law as a substitute for federal reserve water rights. The section provides that "the United States may acquire such water rights as it deems necessary for wilderness or special management areas pursuant to the substantive and procedural requirements of Idaho state law."

This provision quite frankly is a ruse. The United States cannot acquire and hold water rights for wilderness under Idaho state law. Only the Idaho Water Resources Board, in conjunction with the Idaho Department of Water Resources, is authorized by the Idaho water code to appropriate water for instream flow purposes.

The code allows a federal agency to request that the Water Resources Board consider the appropriation of a minimum instream flow if the agency demonstrates that appropriation is necessary. But there is no right of judicial review of a Board decision denying the request.

In other words, under Idaho law, the United States cannot hold a water right for wilderness in its own name, nor does it have a remedy or recourse if the Idaho Water Resources Board rejects its request for an instream flow appropriation. Furthermore, and of even greater importance, is the fact that the Idaho water code limits the amount of water which can be appropriated even by the state board for instream flow purposes.

The limitation is "the minimum flow or lake level and not the ideal or most desirable flow or lake level." The purpose of wilderness designation is to protect in perpetuity pristine, natural systems, including the unappropriated water flowing through them.

The appropriate measure of a water right for wilderness is all the water necessary to fulfill the purposes for which the area is reserved. There is nothing in the Wilderness Act which is this year celebrating its 25th anniversary which permits minimum or less than ideal protection of wilderness values.

The Idaho standard is contrary to both the letter and the intent of the Wilderness Act. And one might just as well set aside a minimum number of trees or a less than ideal level of deer or some other wilderness attribute as to reduce the flow of wilderness water to the minimum defined by state law.

I have a very hard time understanding the phobia about federal reserve water rights which is reflected in this bill. Federal reserve water rights are judicially created, but in most other respects, they function like water rights adjudicated under state law. They are fulfilled from whatever unappropriated water is available at the time of wilderness designation.

So they do not threaten any other water right. Their priority date is the date of the underlying reservation of land so they take their place in line with the other appropriators on a stream.

Congress has historically deferred to state procedural law to quantify and perfect federal water rights, and that deference is not changed for wilderness water rights. The key difference really between a federal reserved water right for wilderness and the state appropriative right is that the federal right is not consumptive.

Wilderness water continues to flow, clean and pure and available for appropriation and beneficial uses once it leaves the wilderness boundary. And that is an advantage, not a drawback. Why then is section 302 in the Idaho Forest Management Act?

The answer is plain. To sever water from Idaho's wilderness, past, present and future. The Wilderness Society is opposed to wilderness areas without water. We are opposed to efforts to undermine the courts and future decisions of members of Congress.

We are opposed to efforts to substitute ineffective state law for substantive federal rights. We are opposed to section 302, and as long as it remains unchanged, the Wilderness Society will not support the Idaho Forest Management Act. Thank you.

[The prepared statement of Ms. Sheldon follows:]



THE WILDERNESS SOCIETY

STATEMENT OF KARIN SHELDON, SENIOR COUNSEL TO THE WILDERNESS SOCIETY, TO THE UNITED STATES SENATE SUBCOMMITTEE ON PUBLIC LANDS, NATIONAL PARKS AND FORESTS, ON S. 371, IDAHO FOREST MANAGEMENT ACT, JULY 20, 1989.

Good afternoon, Mr. Chairman and members of the Committee. My name is Karin Sheldon. I am Senior Counsel to The Wilderness Society (TWS), a national, non-profit environmental organization with more than 309,000 members across the country. TWS is dedicated to the protection and preservation of America's public lands, including our national parks, forests, wildlife refuges and wilderness areas, and the host of natural resources found within them.

The focus of my remarks today is Section 302 of S. 371, the Idaho Forest Management Act, which concerns water rights for the lands designated by the Act as Wilderness or Special Management Areas. My comments reflect a number of things in my background which give me what I hope is a useful perspective on the wilderness water rights issue. I'm a Westerner. Although I now live in the Washington, D.C. area, I grew up in Spokane, Washington, and I spent every summer enjoying the glories of Idaho--Coeur d'Alene, Hayden, Pend d'Oreille, and Priest Lakes, the St. Joe River, the White Clouds Peaks, Bonner's Ferry, Beetle Hump. My family held water rights for their small farm in Oregon. I practiced water law in the water courts of Colorado where I lived for ten years. I taught water law at law schools in Colorado and Oregon. I know how critical water is to the West, and I understand the benefits of the western water law system.

Nonetheless, Section 302 of S. 371 is totally unacceptable. It attempts to retroactively amend the Wilderness Act of 1964, undo 81 years of judicial doctrine, eliminate reserved water rights for existing and future Idaho wilderness areas, and constrain the Congress and the courts from expressing or finding the existence of water rights "for any purpose." The section goes well beyond any acceptable effort to protect state law or remain neutral on the issue of reserved water rights.

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I would like to emphasize three points about the section.

(1) Section 302 prohibits Congress from providing water rights for wilderness areas in Idaho, even if the intent of the majority of the members is explicitly stated. Denying water rights for the areas proposed by this bill is pointless because most of these lands are located at the headwaters of streams, and, therefore, create no conflicts with other appropriators. For future bills, it is hardly appropriate to block members of Congress from exercising their right to decide what water should be reserved for the wilderness areas they determine to designate.

(2) Section 302 abandons the water rights reserved by implication for the 4 million acres of existing Idaho wilderness under the Supreme Court's doctrine of federal reserved water rights. Since 1908, the Supreme Court has consistently held that when Congress acts to reserve public lands for special purposes it also, by implication, reserves sufficient water to fulfill these purposes. The basis for this doctrine is the logical conclusion that Congress would not set aside lands without also setting aside the water necessary to sustain them. What is most puzzling about Section 302 is that nearly all of Idaho's existing wilderness areas are at the headwaters of streams, and thus there is no conflict between water rights for these areas and the rights of downstream appropriators.

(3) Section 302 offers Idaho State water law as a substitute for federal reserved water rights. It provides that "the United States may acquire such water rights as it deems necessary [for] wilderness or Special Management Areas pursuant to the substantive and procedural requirements of [Idaho State law]." This is a ruse. The United States cannot acquire and hold water rights for wilderness under Idaho law. Only the Idaho Water Resources Board, in conjunction with the Idaho Department of Water Resources, is authorized by the Idaho Water Code to appropriate water for in-stream flow purposes. The Code allows a federal agency to request that the Water Resources Board consider the appropriation of a minimum stream flow, if the agency demonstrates that appropriation is "necessary," but there is no right of judicial review of a Board decision denying the request. Consequently, under Idaho law, the United States cannot hold a water right for wilderness in its own name, nor does it have any remedy or recourse if the Idaho Water Resources Board rejects its request for an in-stream flow appropriation.

Furthermore, and of even greater importance, the Idaho Water Code limits the amount of water which can be appropriated, even by the State Board, for in-stream flow purposes to "the minimum flow or lake level and not the ideal or most desirable flow or lake level." (Section 42-1503)

The purpose of wilderness designation is to protect in perpetuity pristine, natural systems, including the unappropriated water flowing through them. The appropriate measure of a water right for wilderness is all the water necessary to fulfill the purposes for which the area is reserved. There is nothing in the Wilderness Act, this year celebrating its 25th anniversary, which permits "minimum," "less than ideal" protection of wilderness values. The Idaho standard is contrary to both the letter and the spirit of the Wilderness Act. One might as well set aside the minimum numbers of trees, or deer or some other "less than ideal" measure of wilderness attributes as to reduce the flow of wilderness water to the minimum defined by Idaho law.

I have a difficult time understanding the phobia about federal reserved wilderness water rights reflected in this bill. Although such rights are judicially created, in most other respects they function like water rights adjudicated under state law. They are fulfilled from whatever unappropriated water is available at the time of wilderness designation, so they do not threaten any other water right. Their priority date is the date of the underlying reservation of land, so they take their place in line with the other appropriators on a stream. Congress has historically deferred to state procedural law to quantify and perfect federal water rights, and that deference is not changed for wilderness water rights.

The key difference between a federal reserved water right for wilderness and a state appropriative right is that the federal right is not consumptive. Wilderness water continues to flow--clean and pure and available for appropriation and beneficial uses once it leaves the wilderness boundary. That is an advantage, not a drawback.

Why then is Section 302 in the Idaho Forest Management Act? The answer is plain: to sever water from Idaho's wilderness--past, present and future. The Wilderness Society is opposed to wilderness areas without water. We are opposed to efforts to undermine the courts and future decisions of members of Congress. We are opposed to the substitution of ineffective state law for substantive federal rights. We are opposed to Section 302. As long as it remains unchanged, The Wilderness Society will not support the Idaho Forest Management Act.

Thank you.

Background Information
Federal Reserved Water Rights

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Federal Reserved Water Rights: Public Water for Public Lands

I. Introduction

Most of the wild country that remains in the United States lies in the mountains, canyons and deserts of the publicly owned lands of the West. In the last year there has been considerable controversy over the issue of water rights for these wild lands, particularly for those areas proposed for designation by Congress as wilderness.

The controversy will continue as the 101st Congress considers legislation proposing the creation of wilderness areas, wildlife refuges, parks and other special units of the federal lands. To understand what is at stake in the debate over water rights for these lands requires a basic knowledge of the principles governing the acquisition, disposition and management of water in the West.

These materials have been prepared by The Wilderness Society to provide background information on the basic principles of western water law, as well as a summary of the doctrine of federal reserved water rights, the most recent Opinions of the Solicitor of the Department of the Interior on wilderness water rights and recent court opinions on this important issue.

II. Principles of Western Water Law

Most water in the West originates on and flows through federal lands. Because of historical circumstances and federal statutes, however, the allocation, use and transfer of this water is governed primarily by state law.

Each western state has a slightly different system for adjudicating, i.e., legally determining water rights. Most states use specially created administrative agencies; Colorado has a system of water courts. Regardless of the type of adjudication mechanism, however, all western states follow the doctrine of prior appropriation.

The prior appropriation system allocates the use, not the ownership of water. Water is considered to be a public resource owned by the state or its people. A water right is a right to use a specified quantity of the public water for a particular purpose. The use may be a consumptive one, as long as it is regarded as "beneficial" by the state.

An appropriator need not own the land through which the water flows in order to claim a water right. Water rights depend on usage, not land ownership. The appropriator who is first in time at the stream is first in right to use its water, even if that use dries up the stream.

The concept of "priority" is central to the appropriation system. An appropriator acquires a water right as of the date of the first action showing his intent to take water from the stream for a beneficial use. This date establishes the appropriator's "priority," his place in the line of rights' holders. The rights of a "senior" appropriator must be filled before a "junior" appropriator is permitted to take water. In times of shortage, a junior appropriator may have no water at all.

This is not to say that an appropriator may act without regard to other water users or the public. On the contrary, an appropriator may use only that quantity of water for which he has a water right and only for those purposes defined as beneficial by state law. He may not change the amount of water used, the purpose for, or place on which it is used, or the location from which it is taken from the stream without prior approval by the state. That approval will be given only if the change will not cause undue harm to other appropriators.

The basic principles of the appropriation doctrine include:

- (1) Intent to appropriate water--as indicated by the filing of an application for a water right or the taking of whatever action is required by state law to show intent to acquire a right to use water.
- (2) Actual diversion of water. Traditional appropriation doctrine requires that water be taken from a stream and applied to a "beneficial use," for example, irrigation or mining activities. In recent years the diversion requirement has been eliminated in those states which recognize instream flow uses, *i.e.*, those uses which leave water in the stream for particular purposes.

Water rights must be used or lost, so adjudication and diversion must follow the intent to appropriate within a "reasonable" period of time. State law defines what is reasonable.

- (3) Beneficial uses of water--the measure of the existence and scope of a water right. Beneficial use and priority are the two key principles of the appropriation doctrine. Once water is put to a recognized beneficial use, a water right is perfected.

Uses considered beneficial by state law historically were stock watering, irrigation, mining and domestic uses. These are still regarded by the states as the most important uses, although in recent years most states have included instream flow uses, such as protection of fish and wildlife or recreation as beneficial. However with few exceptions, instream flows may be appropriated only by a state agency, not a private party.

Water rights may be sold or leased. In most states, water rights are considered to be appurtenant, that is, attached to the land on which the water is used. Thus, they pass automatically with the sale of the land, unless otherwise provided in the deed. Changes in use, point of diversion, or the place or time of use of a water right must be approved by the state because of the potential harm to other appropriators.

Under the McCarren Amendment of 1952, 43 U.S.C. § 666, the federal government waived its sovereign immunity and may be joined as a defendant in state court adjudications of the rights of all claimants to a stream a so-called "general stream adjudication." If the federal government does not participate in these general stream adjudications it will lose its rights. The federal government may also choose to participate in state proceedings to claim and perfect appropriate water rights.

II. Federal Reserved Water Rights

The Supreme Court has long recognized the power of Congress to reserve water from appropriation under state law in order to provide water for federal lands set aside for special purposes. This is the doctrine of federal reserved water rights, first enunciated by the Supreme Court in United States vs. Winters, 207 U.S. 564 (1908). In the Winters case, the Supreme Court held that when Congress established an Indian reservation it reserved sufficient water to support the purposes of the reservation, even though it did not do so expressly. The Supreme Court inferred Congress' intent to reserve water on the assumption that Congress would not set aside lands for special purposes without also providing water to fulfill those purposes.

The federal reserved rights doctrine has been applied to other reserved federal lands: to the national forests in United States vs. New Mexico, 438 U.S. 696 (1978), to wildlife refuges in Arizona vs. California, 373 U.S. 546 (1963) and, most recently, to wilderness areas in Sierra Club vs. Block, 622 F. Supp. 842 (D. Colo. 1985) and Sierra Club vs. Lyng, 661 F. Supp. 1490 (D. Colo. 1987). In each of these cases the court concluded that, although the statute creating the land reservation was silent as to the existence of water rights, an intent to reserve sufficient unappropriated water to fulfill the purposes of the reservation could be inferred.

IV. The Current Debate over Federal Reserved Water Rights for Wilderness and Other Public Land Reservations

Concern has been expressed by some westerners about the possibility that federal reserved rights will interfere with the state system, and will take water or water rights away from rights holders. This concern has been expressed in the last few years over the potential impact of water rights reserved for newly designated wilderness areas.

The focus of the concern has been the debate over whether Congress intended to reserve water rights when it enacted the Wilderness Act of 1964. The Act contains no expression of congressional intent to reserve water for wilderness areas. Section 4(d)(6), 16 U.S.C. § 1133(d)(6), does provide that nothing in the Act "shall constitute an express or implied claim or denial on the part of the federal government as to exemption from state water laws."

On July 26, 1988, the Solicitor of the Department of the Interior issued an opinion, interpreting the language and legislative history of the Wilderness Act, that Congress did not intend to reserve water for wilderness. This opinion was adopted by former Attorney General Meese as the policy of the federal government. Federal agencies were directed not to claim water rights for wilderness areas in stream adjudications involving waters flowing through such areas.

The Solicitor's Opinion conflicts with the Opinion of the previous Departmental Solicitor that designated wilderness areas receive reserved water rights and that section 4(d)(6) is intended to continue existing principles of federal-state relations in water law (86 Interior Decision 553 (1979)). It also conflicts with 80 years of judicial interpretation of the reserved rights doctrine, including, most recently, decisions of the District Court of Colorado in Sierra Club v. Block, 633 F. Supp. 842 (1985) and Sierra Club v. Lyng, 661 F. Supp. 1490 (1987).

A Congressional Research Service (CRS) report issued January 4, 1989, entitled "Wilderness Areas and Federal Water Rights," concludes that the Solicitor's opinion is very likely in error. The report criticizes the Solicitor's use of the legislative history of the Wilderness Act, particularly hearing testimony, which CRS notes can be "highly selective and can give a misleading impression. . . ." (CRS-30) Based on its own review of the legislative history and language of the Wilderness Act, the CRS states that it is probable that the Supreme Court would find the existence of federal reserved water rights for wilderness.

[C]onsidering the text of section 4(d)(6), which appears to be a preservation of the status quo, the fact that the language that became section 4(d)(6) was changed from a waiver of any claim of federal exemption from state water laws to being neither a claim nor denial of such exemption; the full context of all significant comments by Members on both sides of the issue; the explanations by the same key Members (including the leading advocates of the position of the western states) of the same provision in another conservation statute enacted soon after the Wilderness Act; the fact that Congress has used very clear language in other acts to waive creation of express or implied federal water rights; and most of all the purpose of the

* This section originally was enacted as 4(d)(7). In 1978, former item (5) was repealed and the remaining items in section 4(d) were renumbered. Frequently, however, reference is still made to section 4(d)(7).

Wilderness Act itself, which is to preserve Congressionally designated wilderness areas, including the watersheds, in their natural state, it appears more likely than not that the Supreme Court will find federal water rights to exist for the wilderness purpose in areas designated by Congress for inclusion in the National Wilderness Preservation System.

V. The Impact of Wilderness Reserved Water Rights on State Appropriators

A federal reserved right is fulfilled from waters which are unappropriated at the time of wilderness designation. Such a right does not take water from any existing rights holder. The water reserved by the federal government for wilderness is for instream flow purposes. It is not diverted, consumed, or polluted, and thus is fully available for appropriation when it leaves the boundaries of the reserved lands. Most wilderness areas in the United States are high elevation headwaters. Because streams and rivers originate within their boundaries there are no conflicts between federal wilderness water rights and appropriators upstream.

In the future, Congress will be concerned increasingly with designation of wilderness areas downstream, lower in watersheds. Above these wilderness areas there may be private or non-wilderness public lands on which diversions could occur. Downstream wilderness designation does, therefore, raise the potential for water rights conflicts. Should the federal government assert reserved rights to unappropriated water in a stream flowing through such an area, an upstream appropriator, junior in priority to the wilderness, might be prevented from acquiring water rights. The chances of this occurring are slim, however, since the federal rights in newly designated wilderness would themselves be extremely junior.

The more likely impact is on the wilderness. In the absence of federal reserved water rights for wilderness, newly created downstream wilderness could be dried up. If the federal government does not claim water rights for wilderness in the ongoing general stream adjudications being conducted by the states, those rights will be allocated to other appropriators and lost to the wilderness forever.

VI. Federal Reserved Water Rights for Wildlife Refuges

As noted above, the doctrine of federal reserved water rights has been applied by the courts to wildlife refuges as well as to national forests, parks and wilderness areas. In the wake of the Solicitor's Opinion, however, wildlife refuges have a greater need for expressly reserved water rights than ever before.

Section 668 dd(i) of the National Wildlife Refuge System Administration Act, 16 U.S.C. § 668 dd(et seq.) is identical to Section 4(d)(6) of the Wilderness Act, and,

therefore, the Wildlife Refuge System Administration Act is subject to the interpretation given in the Solicitor's Opinion that Congress did not intend to reserve water rights for wildlife refuges. The Solicitor's Opinion notes that the Refuge System Act contains language identical to that of the Wilderness Act. While the Opinion acknowledges that "the Supreme Court, in Arizona vs. California, let stand a master's conclusion that water had been reserved for one wildlife refuge . . . , " it argues that

. . . [N]either the Supreme Court nor the master's decision referred to, much less analyzed or interpreted, Section 668 dd(i) of the Refuge System Act. (Opinion at 27, n. 39.)

The clear implication of this statement is that, under the Solicitor's interpretation of the language of 4(d)(6), the identical language in 668 dd(i) bars the federal government from asserting federal reserved water rights for wildlife refuges.

If the rationale of the Solicitor's Opinion is applied by the Justice Department to wildlife refuges, no claims will be made for water rights on refuges withdrawn from public lands in the absence of express statutory language reserving such water rights. Wildlife refuges could thereby lack water to sustain the wildlife they were dedicated support. For this reason, prudence and concern for the viability of refuges dictate that language expressly reserving sufficient water to fulfill the purposes of newly established wilderness areas on wildlife refuges must be included in legislation.

Senator McClure. Mr. Medberry.

STATEMENT OF MICHAEL MEDBERRY, PUBLIC LANDS
DIRECTOR, IDAHO CONSERVATION LEAGUE

Mr. MEDBERRY. Thank you, Senator McClure and Congressman Craig. It is a pleasure to be before you today. I will condense my statement. I hope to address the special management language for the South Fork of the Salmon River especially because you are familiar with that area and also the road language because it was talked about earlier.

The Idaho Conservation League is aware that not everyone agrees with our 4.2 million acre wilderness proposal and so we have entered into informal discussions with the timber industry representatives to begin breaking the deadlock.

The discussions have been fruitful, but we now find ourselves in a dilemma. It is exceedingly difficult, if not impossible, for us to simultaneously work to defeat legislation which we cannot support and sit down at the bargaining table with our opponents to craft a mutually beneficial solution.

We prefer, and ask of the subcommittee your support for beginning a process of negotiations between the timber industry and conservationists to resolve the forest management issues that are before you today. We have specific reasons for opposing the Idaho Forest Management Act.

A danger of the special management language as proposed is that in some instances it makes inflexible land management decisions and eliminates the discretion of professional land managers on issues which they know best. It denies public, administrative, and judicial review as required in the NFMA.

Proper resource stewardship requires that land managers be responsive to changes in knowledge, experience and on the ground circumstances. Special management provisions of S.371 preclude that responsiveness and are essentially hard release for currently roadless areas.

I will address the South Fork and the road provision. The South Fork of the Salmon once supported more than half of the entire Columbia River Basin summer chinook salmon. As a result of road-building and clearcutting in the 1950s and early 1960s, the steep erosive soils above the salmon spawning beds sloughed into the river during heavy storms in 1964.

Four hundred thousand cubic yards of silt reduced the spawning population from about 25,000 fish to 300. Logging has been limited since 1966, and the final Payette Forest Plan released last May calls for continued improvement of the river's salmon spawning and rearing habitat. Today, the chinook remain at the vanishing edge of viability and some biologists have argued that they deserve listing under the Endangered Species Act.

Mandating any further timber harvest in the South Fork drainage could well mean the extinction of Idaho's wild summer chinook populations. Representatives of the Idaho Conservation League have been involved in Payette National Forest sponsored consensus meetings to address forest management issues since 1984. The participants that made up this group included local and some regional

timber, ranching, and conservation representatives and an observer from Senator McClure's office.

The consensus group offered advice to the Payette Forest in developing its Forest Plan, and mostly that was in regard to management of the South Fork. Most generally, this consensus group recognized that recovery of the summer chinook run is possible despite downstream fish mortality and that without recovery of the fish, the timber, recreation, and environmental interests cannot be satisfied.

Toward recovering the salmon runs, the consensus group agreed that there must be suitable habitat for the returning fish, which means continued improvement of the stream. The final Payette Forest Plan included a provision to close a portion of unpaved road along the South Fork to decrease sediment coming from the road.

The road closure in my opinion was one of the most gutsy decisions I have seen the Forest Service make, and it was supported by public involvement on the forest plan, the consensus then recommended to decrease sediment deposition in the South Fork, and the opinions of professional biologists.

However, it angered you, Senator McClure, and last year you wrote appropriations language obligating \$8 million to leave open and pave instead of close the road. The language became law without the benefit of open debate on the merits of paving versus closing the road. And it is that sort of purely political response that we hope to avoid in the future on Forest Service land management issues affecting Idaho.

And in order to do so, we ask that any negotiations between industry and conservationists be supported by yourself and by the subcommittee.

The Idaho Forest Management Act does not require improvement of sediment levels in the South Fork nor does the bill allow for improvement of tributaries which deliver sediment to the river and provide important spawning habitat for bull trout and steelhead. Mitigation by removal of sediment as proposed by the bill is uncertain. In fact, it has provided no long term habitat restoration whatsoever to date, and the sedimentation model identified in the legislation is unproven.

Yet, any mistake in management activities risks irreversible loss to the wild salmon population. The sort of damage that is most harmful to the river in the long run, mass soil movement during heavy storms, happens almost instantaneously and is nearly impossible to predict or to mitigate. The half mile corridor proposed in the bill along the river is a good idea, but I would argue that it should be extended to protect the tributaries as well. Better yet, we would ask that no logging occur during the first planning period on the forest.

Briefly about road management. Section 309(a) of the proposed legislation defines any two-lane or two-rut way as being a road with what amounts to 100-foot right of way, and 309(b) excludes these existing roads from designated wilderness. This language would create dozens of statutorily protected roads cutting to the heart of newly designated wilderness areas.

It would render other protections in the act virtually meaningless. Any four-wheel drive vehicle or motorcycle owner could make

one of these roads out of ignorance or dislike for wilderness and S.371 would give it legitimacy.

No road should be recognized unless it was constructed by an authorized entity and maintained for regular vehicular use by that or another official agency. An established and verifiable history of construction maintenance and use should be required before a two-track path is considered to be a road and automatically cherry-stemmed from designated wilderness.

Moreover, a 100-foot right of way is excessive and could unnecessarily damage land adjacent to even a legitimate road. And I want to thank you again for the opportunity to testify.

[The prepared statement of Mr. Medberry follows:]

STATEMENT OF MIKE MEDBERRY, PUBLIC LANDS DIRECTOR FOR THE IDAHO CONSERVATION LEAGUE, BEFORE THE SENATE SUBCOMMITTEE ON PUBLIC LANDS, NATIONAL PARKS, AND FORESTS, THE COMMITTEE ON ENERGY AND NATURAL RESOURCES, CONCERNING THE IDAHO FOREST MANAGEMENT ACT OF 1989, S.371, JULY 20, 1989.

Mr. Chairman and Members of the Committee, I am Mike Medberry, Public Lands Director for the Idaho Conservation League. I am pleased to be before you today to discuss S.371, the Idaho Forest Management Act of 1989.

The Idaho Conservation League has been dedicated to wise stewardship of Idaho public lands since the organization's founding in 1973. We currently have 1,500 members. It is an active membership and we are all eager to pass a good wilderness bill rather than continue to fight against something less. But we cannot support legislation that is a roadless area release bill first and designates a little wilderness in non-controversial areas only because that is the price of releasing land for development and special management.

There are more than 9 million acres of roadless forest lands in Idaho and the ICL is on record as supporting designation of 4.2 million acres of that land as wilderness. Ours is a good and well reasoned proposal which leaves enough timber to harvest to foster the economic diversity and stability of Idaho communities while also protecting wilderness.

We are aware that not everyone agrees with us and so we have entered into informal discussions with timber industry representatives to begin breaking the deadlock. The discussions have been fruitful but we now find ourselves in a dilemma. It is

exceedingly difficult for us to simultaneously work to defeat legislation which we cannot support and sit down at the bargaining table with our opponents to craft a mutually beneficial solution. We prefer, and ask of this Sub-committee, your support for beginning a process of negotiations between the timber industry and conservationists to resolve the forest management issues that are before you today.

We have specific reasons for opposing the Idaho Forest Management Act of 1989. A danger of the special management language proposed by S. 371 is that in some instances it makes inflexible land management decisions and eliminates the discretion of professional land managers on issues which they know best. Proper resource stewardship requires that land managers be responsive to changes in knowledge, experience, and on-the-ground circumstances. I will address the proposed special management provision for the South Fork Salmon River and some of the broader generic issues raised in the bill.

South Fork Salmon River Special Management Area

The South Fork once supported more than half of the entire Columbia River Basin's summer chinook salmon. As a result of road building and clearcutting in the nineteen fifties and early sixties, the steep, erosive soils above the spawning beds sloughed into the river during heavy storms in 1964. Four hundred thousand cubic yards of silt reduced the spawning population to 300 fish.

Logging has been limited since 1966 and the final Payette Forest Plan released last May calls for continued improvement of the river's salmon spawning and rearing habitat. Today, the chinook remain at the vanishing edge of viability and some biologists have argued that they deserve listing under the Endangered Species Act. Mandating any further timber harvest in the South Fork drainage most likely means the extinction of Idaho's wild summer chinook populations.

Representatives of the ICL have been involved in Payette National Forest sponsored consensus meetings to address forest management issues since 1984. The participants that made up this group included local and some regional timber, ranching, and conservation representatives and an observer from Senator McClure's office. The consensus group offered advice to the Payette Forest in developing its Forest Plan, mostly in regard to management of the South Fork.

Most generally, this consensus group recognized that recovery of the summer chinook run is possible despite the downstream fish mortality and that without recovery of fish, the timber, recreation, and environmental interests cannot be satisfied. Toward recovering the salmon runs, this consensus group agreed that there must be suitable habitat for the returning fish which means continued improvement of the stream. The final Payette Forest Plan included a provision to close a portion of unpaved road along the South Fork to decrease sediment coming from the road.

This road closure was one of the most gutsy decisions I've ever seen the Forest Service make, and it was supported by public involvement on the Forest Plan, the consensus team recommendation to decrease sediment deposition in the South Fork, and the opinions of professional biologists. However, it angered Senator McClure who last year wrote appropriations language obligating \$8 million to leave open and pave, instead of close, the road. This language became law without the benefit of open debate on the merits of paving versus closing the road. It is this sort of purely political response that we hope to avoid in the future on Forest Service land management issues affecting Idaho. In order to do so requires that any negotiations between industry and conservationists be supported by Senator McClure and this Subcommittee.

The Idaho Forest Management Act does not require improvement of sediment levels in the South Fork. Nor does the bill allow for improvement of tributaries which deliver sediment to the river and provide important spawning habitat for bull trout and steelhead. Mitigation by removal of sediment as proposed by S.371 is uncertain--in fact it has provided no long term habitat restoration to date--and the BOISET sedimentation model identified in the legislation is unproven. Yet, any mistake in management activities risks irreversible loss of the wild salmon population. The sort of damage that is most harmful to the river in the long run, mass soil movement during heavy storms, happens almost instantaneously and is nearly impossible to predict or

mitigate. The half mile wide corridor proposed along the river by S. 371 is a good idea but should be extended to protect the tributaries as well. Better yet, no logging should be allowed in the South Fork drainage during the first Forest Planning period.

Lime Creek and Smoky Mountains Special Management Areas

The special management language for the Lime Creek and Smoky Mountains areas presents problems of a different order. Sections 103(c)(7) and (8) of the bill state that certain trails in the area will be designated for use solely by motorized vehicles. This is a silly provision which would make certain backcountry trails in Idaho more restrictive than the state's highways and most freeways. The Lime Creek and Smoky Mountains Special Management language also fail to prohibit roadbuilding, logging, and mining in these areas. Changes on each of these provisions from last years bill were promised by Senator McClure but did not appear in S. 371.

Grazing Management

Section 301 of the bill states: "The grazing of livestock and all grazing allotments on lands designated as Wilderness (by this Act)... shall be continued together with such motorized vehicular access and water developments as may be in use on such lands."

This language would mandate grazing, vehicular access, and water development as they now exist on lands to be designated as

wilderness. It is inappropriate to establish as a right an activity, in this case grazing, which is currently a privilege enjoyed at the discretion of the Secretary and related to the condition of the land. If section 301 is implemented, it is probable that any habitat damage due to grazing or grazing management could not be controlled by the land management agency.

More appropriate grazing language might read as follows: The grazing of livestock, where established prior to the date of enactment of this act shall be permitted to continue, subject to such reasonable regulations, policies, and practices as the Secretary deems necessary as long as these conform with and implement the Wilderness Act.

With passage of S. 371, predator control would also be cast in statute as currently practiced. Again, this ties the hands of federal land managers to react to changes in the need for or effectiveness of predator control. The practice of areal gunning, poisoning, and denning (killing young predators while in their dens) are particularly offensive methods of control and inappropriate within designated wilderness. The use of trained guard dogs is almost always the best defense of livestock from predators, but it is not now widely preferred. In short, the grazing language in S. 371 is too rigid, leaving no room for adjusting practices to respond to on-the-ground facts and changing circumstances.

Road Management

Section 309 (a) of the proposed legislation defines any two-track way as being a road with a 100 foot right-of-way; and 309 (b) excludes these existing "roads" from designated wilderness. This language would create dozens of statutorily protected roads cutting to the heart of newly designated wilderness areas. It would render other protections in the Act virtually meaningless. Any four-wheel-drive vehicle or motorcycle owner could make one of these "roads" out of ignorance or dislike for wilderness and S. 371 would give it legitimacy.

No road should be recognized unless it was constructed by an authorized entity and maintained for regular vehicular use by that or another official agency. An established and verifiable history of construction, maintenance, and use should be required before a two-track path is considered to be a road and automatically "cherry-stemmed" from designated wilderness. Moreover, a 100-foot right-of-way is excessive and could unnecessarily damage land adjacent to even a legitimate road.

Thank you for this opportunity to present the views of the Idaho Conservation League concerning S. 371.

Senator McCURE. Mr. Mueller.

**STATEMENT OF TIMOTHY MUELLER, PRESIDENT, EDWARDS
FOREST INDUSTRIES, INC.**

Mr. MUELLER. Thank you, Mr. Chairman.

My name is Tim Mueller. I am president of Edwards Forest Industries of St. Maries, Idaho. We have two saw mills in Idaho and we do depend heavily on the national forest system for our timber supply.

I am here today representing not only my company but also the interests of the Idaho Forest Industry Council, and the Associated Logging Contractors of Idaho. It is difficult to know what to say here today, Mr. Chairman, as I have already testified before Congress three times about this bill.

When I testified in previous hearings——

Senator McCURE. Maybe it is because we thought you would change your mind.

Mr. MUELLER. Well, I am afraid the news is not any different, Senator. But that is of no surprise to you.

Senator McCURE. You are just like the rest of those folks up there.

Mr. MUELLER. When I testified in previous hearings, I was not in favor of this bill. When testifying previously, our industry was not in favor of this bill, and today, Mr. Chairman, nothing has changed.

Regretfully and with deep respect for our Senator McClure, we are still against the bill. Idaho has already 4 million acres of statutory wilderness. This is a Herculean amount when one considers no other state in the Union has this much wilderness except Alaska and possibly California.

Yet, all of Idaho's previous wilderness bills did not trouble me like this one does. To me, Congress is enacting this legislation for the wrong reason. In Idaho's six previous wilderness bills, Congress created wilderness because of the feeling in Idaho we had none, and because the vast majority of the river of no return wilderness was already classified as primitive under the Forest Service terminology.

In none of these bills was there any commercial forest land which contributed to the base of trees from which our industry depends on. In the case of this bill, however, we are told by our governor that we must enact more wilderness in order to end the conflicts between the industry and the environmentalists.

Even the United States Forest Service will tell you, and they did today, that after four million acres, they need another wilderness bill so they can continue to manage the national forest system and end the controversies. So we are not adding wilderness to Idaho's base because we Idahonians have none or need more.

We are not adding wilderness to Idaho's base because the majority of our people want more. Some support legislation because there is a belief that it will allow the Forest Service to manage non-wilderness roadless land left in the national forest system. Others support the creation of wilderness not because the areas make great

wilderness, but because they do not trust the Forest Service, simply.

The Wilderness Act was intended to facilitate neither of these purposes. And there, Mr. Chairman, is the real reason we are attempting to pass yet another wilderness bill in Idaho, because the Forest Service anymore cannot manage the national forest system in our state.

The governor and the Forest Service both believe that if the Congress creates more wilderness the environmentalists will stop appealing Forest Service decisions to sell timber. You heard the Chief say that today. Nothing is further from the truth. And to enact a bill for Idaho creating more wilderness in the hopes that it will allow unchallenged professional management from the Forest Service is simply stuffing the hay in the wrong end of the horse.

I submit that if the Forest Service has serious trouble bringing their land management decisions to fruition in the national forests, and we all agree that they do, then Congress could better serve the process by setting aside wilderness bills for now and begin to re-write the laws by which the Forest Service operates.

George Shultz said once about Washington, D.C. that "nothing ever gets settled in this town. A seething, debating society in which the debate never stops, in which people never give up including me. And so that is the atmosphere in which you administer."

The same example applies to Idaho pursuant to the management of our national forest system, and that, Mr. Chairman, is the atmosphere in which our senior senator must administer. And I submit that enacting another wilderness bill will not quiet the seething debate over how forests are managed.

We will not give up nor I suspect neither will the environmentalists or my friend, Douglas Scott. Another wilderness bill will not change this. Our industry believes that no matter how noble and comprehensive our senator and governor's efforts have been by drafting this bill to end for once the controversy that the challenges and debates will never end, until Congress gives the Forest Service more control over their own process of land management.

Thank you, Mr. Chairman. And before I leave my oral remarks, I would like the committee to please note in the back of my written statement we do refer to private lands. We deal with private lands in this bill, and there is also a statement from the minority in our association. Thank you.

[The prepared statement of Mr. Mueller follows:]

STATEMENT OF
TIM MUELLER, PRESIDENT EDWARDS FOREST INDUSTRIES
ON BEHALF OF
THE INTERMOUNTAIN FOREST INDUSTRY ASSOCIATION
BEFORE THE
PUBLIC LANDS SUBCOMMITTEE
OF THE
ENERGY AND NATURAL RESOURCES COMMITTEE
UNITED STATES SENATE
ON
S 371. THE IDAHO FOREST MANAGEMENT ACT
JULY 20, 1989

Mr. Chairman, Senator McClure, and members of the Subcommittee:

I am Tim Mueller, President of Edwards Forest Industries, Inc. headquartered in St. Maries, Idaho. Our company operates two sawmills in Idaho, one in St. Maries and one in Princeton. We depend on the opportunity to purchase timber from the Idaho Panhandle and Clearwater National Forests in Idaho which accounts for approximately 80% of our annual log consumption at these locations.

In addition to representing the views of my company, I am testifying today on behalf of the Intermountain Forest Industry Association (IFIA), which is our forest industry trade association in Idaho. Also, I have been asked by Leo Musselman, president of the Associated Logging Contractors, an association of Idaho's independent contract loggers, to acknowledge their support for the positions I will present today.

INDUSTRY'S FUTURE DEPENDS ON ROADLESS AREA ENTRY

The future of Idaho's forest industry depends upon the

timely offering of timber sales planned to come from many of the roadless lands in the state. Completed forest plans in Idaho call for timber harvest in about 18% of the nine million acres of roadless lands during the next 10-15 years. Roadless area timber sales are planned to contribute between 20 and 50% of the planned timber programs on Idaho's forests. The Forest Service's ability to carry out timber harvest plans in these areas has been severely hampered by ongoing disputes, appeals, and legal challenges which have continued to block the execution of Forest Service plans. Most challenges to the harvest plans acknowledge the objective of 'protecting' the roadless lands from development in the hope they may eventually be designated wilderness, rather than managed for timber harvest.

DIRECTION FOR NONWILDERNESS LANDS

Advocates of wilderness legislation often cite the need to "release" nonwilderness roadless lands for orderly development as an important purpose of legislation such as S. 371. We agree with the importance of this objective. However, we do not believe S. 371, as drafted, will meet this important goal.

Similar legislation enacted for other states during recent years is proving to be inadequate in this regard. The most glaring examples are in Oregon, Washington, and California where current disputes over the harvest of "old growth" timber has virtually stopped all timber harvest in roadless areas.

Closer to home, we find Forest Service plans completed pursuant to the National Forest Management Act of 1976 are beset with complex appeals and litigation designed to block their implementation. Although such challenges come in many forms, it is clear the objective, regardless of the surrogate issue raised, is to halt road building and timber harvest in roadless areas. Our legal experts conclude that enactment of wilderness legislation, and the attendant "release language" provided in S.

371, will insulate the Forest Service from broad legal challenges over the quality of the forest plans' roadless area evaluation brought on the grounds established by California v. Block. However, they also advise us this relief will be far from sufficient to resolve even the most simple legal and administrative challenges currently blocking Forest Service plans.

LEGISLATING BALANCED LAND USE

We are encouraged by the recognition included in S.371 of the need to ensure balanced land use is provided in conjunction with designating additional lands as wilderness. The provisions of S.371 which specifically address management of roadless lands not designated wilderness provides long overdue recognition of a pressing legislative need. That is, to more comprehensively address the entire roadless land management issue, not just the question of which lands to designate wilderness. We applaud this effort and believe it provides a much needed framework for balanced consideration of this issue. We have previously submitted specific recommendations we believe will substantially improve the nonwilderness language in this regard, and once again ask consideration of these proposals.

AREA AND BOUNDARY CONSIDERATIONS

Beyond our broader interest in expanding the attention given in S. 371 to management of nonwilderness roadless lands, there are some immediate adverse impacts of the wilderness designations on an already inadequate timber supply in Idaho. Included in S. 371 wilderness designations are more than 180,000 acres of timberland planned for harvest under the new forest plans, including an estimated 120 million board feet of timber sales scheduled for the next ten years. As a result, we estimate the allowable sale quantities of forest plans will have to be reduced an additional 26 MMBF/year if this legislation is enacted without

change.

Possibly the most troublesome impact of S 371 is the designation of more than 400,000 acres of timberland which the Forest Service has classified as tentatively suitable by their plans. These lands are proposed to be held in reserve by the Forest Service for possible harvest in the future if they are needed to meet the wood supply needs of Idaho and the nation. Permanently setting these lands, which include a standing inventory of nearly 34 billion board feet, aside as wilderness will forever preclude realizing any of the 110 MMBF potential annual timber yield from these areas.

S. 371 IMPACTS ON PRIVATE TIMBERLAND

I also note for the record that the designations included in S 371 include, or will inhibit access to, over 16,000 acres of timberlands in private ownership. We believe the legislation must address the future disposition of the private lands, either by adjusting boundaries, or by providing some other means of equitable compensation.

NEGOTIATIONS AS A POSSIBLE ANSWER

One approach to resolving the roadless area management controversy is through straightforward, honest negotiations among the interested parties. The possibility of such negotiations is gaining increased interest within our industry. We have also had some preliminary discussions with representatives of the Wilderness Society and the Idaho Conservation League and are encouraged that they, too, believe negotiation may be a responsible, equitable way to resolve a large part of the roadless area issue.

This is not to say that such negotiations will either be simple or expedient. They will not. Many serious issues

including, who should be represented "at the table", how the discussions should be mediated, what role elected and government officials should have, and the ground rules for discussion remain to be resolved.

It is also our initial view that Congressional action will be necessary to confirm the result of any negotiations if this undertaking is to be successful and permanent.

Despite these potential difficulties, we are sufficiently optimistic about the potential for successfully negotiating a resolution, at least a partial resolution, to this difficult issue. Therefore, we have committed to giving this approach our full support in coming months.

CONCLUSIONS

For the reasons set forth herein, Idaho's forest industry cannot support S. 371 as drafted. The immediate impacts to timber supplies which will result from the land withdrawals included in the bill will cause serious hardship to many within our industry. Further, we believe it is necessary for this bill to provide expanded direction to govern the management of nonwilderness lands.

There is one member of the Intermountain Forest Industry Association, Evergreen Forest Products, who does not completely share the views presented in this testimony. They asked that their exception be noted for the record. They will be providing independent confirmation of their position.

I appreciate this opportunity to testify and will be happy to answer any questions at this time.

Senator McCLURE. Thank you very much.
Bill Mote.

**STATEMENT OF KARL W. MOTE, EXECUTIVE DIRECTOR,
NORTHWEST MINING ASSOCIATION**

Mr. MOTE. Thank you, Senator. Mr. Craig, I am pleased to see you. I have submitted a formal statement that I would like to have you accept, and then I would like to comment on the outside of that for just a moment, please.

We believe that you have done an excellent job of trying to draw the balance between these two polarized ends here. You know, if this table were to break, we would both fall through the floor I think because we represent such opposite sides. A political solution is necessary, and I think that what you are trying to do in making that come about is an excellent approach, and I certainly agree with it.

In the basics of the bill, I believe that we agree with what you're doing with the bill with the exception that the mineral areas we feel that are still included in the bill are not properly regarded. And in that regard I received about 30 minutes ago, thanks to Carl Haywood, a brand new set of data from the Bureau of Mines that compares land availability and mineral probability in a way that I would hope that those would be reviewed one more time.

And in addition to that, I have also only one copy of a new study of each of your areas with mineral potential identified. This is new data. I would not ask you to look at it again. I think you have heard every argument and could write our testimony for all of us if you chose to. But I believe that this does represent new data, and I would ask that you drag the Bureau of Mines experts in to explain this from the objective perspective of mineral availability rather than the polarized positions that we would represent.

But I think that to sum up our position, if the minerals were available under the existing mining law or by special use prescription or by any other system, we feel that the contribution would be outstanding and the cost would be very small.

Let us take a hypothetical example for just a moment. Let us assume that we would find as many as a hundred mineral deposits that are workable in this wilderness area 1.4 million acres in the next 20-30 years. And the average size of those workings is really down on the order of 100 acres; about half of that 100 acres is actually productive acreage for most of the underground mines.

Now, those acres produce about \$500,000 an acre a year, and you cannot sneeze at that when it comes to economics, when it comes to jobs, when it comes to taxes with all the things that it carries. Well, if we had those 100 properties at 100 acres each or 10,000 acres, that represents about two-thirds of one percent of the wilderness area, and almost every acre of that can be reclaimed.

So that the amount of land that is represented in the minerals is extremely small. The economic impact is very large, and I think that the tradeoff is disregarded to some extent here and could be cured by special use prescription or some other system.

Again, we believe in what you are doing and how you are doing it, but like everyone else, it is "except that." And the "except that"

here is that there is a substantial potential for economic minerals, and I believe that the best source to look at that is the Bureau of Mines with their objective data. Thank you.

[The prepared statement of Mr. Mote follows:]



Northwest Mining Association

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 Manager

Statement Before the Senate Public Lands, National Parks and
 Forests Subcommittee, of the Committee on Energy and Natural
 Resources

S.371, The Idaho Forest Management Act of 1989

Karl W. Mote, Executive Director
 Northwest Mining Association
 414 Peyton Building
 Spokane, Washington 99201

Washington, DC
 July 20, 1989

Mr. Chairman, and members of the Subcommittee:

Thank you for the opportunity to present the views of our organization on the proposal to add to Idaho's Wilderness. This is not the first time we have spoken to Wilderness withdrawal proposals, and certainly will not be the last. But this proposal includes ideas that add something new to the unending process of removing public lands from public use. The something new is an attempt to balance the political reality of preservation with the economic damage of non-use. That, by itself, is new.

Our Association is made up of 2500 members from all across the United States and Canada, principally though, from the Western United States. Our members are interested in the minerals known and yet to be found in the Western states. We were established in 1995 with offices in Spokane, Washington, to help support a healthy minerals industry in the northwest. We know that mineral production takes years of effort and expense, and that finding minerals requires access to the lands that harbor them. We are distressed at the apparent lack of regard for this fact, and the lack of recognition of the importance of domestic mineral production in the twenty-five year push to close off potential mineral-bearing areas.

We have testified before on proposals to add to the Idaho Wilderness system, most recently on the 1988 version of this bill. The amount of data already submitted to this Committee on known and potential mineralized areas has resulted in withdrawal boundary changes in only a few of those areas. Those data are compiled from federal and state agencies, and by private industry. With such high quality data, if recognition of the importance of domestic mineral production exists, logic would lead one to believe that the mineral areas, as well as the potentially mineralized areas, would be left open to mineral exploration and production. Because the data have had little effect, we request that you call to your offices those US Bureau of Mines experts that can provide the objective data that should be regarded in the withdrawals.

The US Bureau of Mines is the economic mineral expert within the federal government. It is their job to know where exploration and production activity is taking place, the value of deposits, the economic and strategic importance of minerals, and the technical aspects of producing minerals. We feel that all federal decisions affecting minerals should include their guidance, and we would hope you will seek that guidance and protect our mineral production capability. The reason for using their guidance is that they are capable of presenting expert, unbiased data and opinions on which good decisions can be made, and again, they are the government's mineral experts. Industry may not always agree with findings or conclusions of the

Bureau of Mines, but we have high regard for their mineral knowledge.

Bureau's Western Field Operations office in Spokane completed in April, the mineral summary of the Idaho Land Assessment Program under the Idaho Initiative. Further, I understand that office has in progress the compilation of the availability of federal land compared to the known mineral areas of Idaho. I believe both of these new data sources must be studied and applied to prevent withdrawal of important mineral lands.

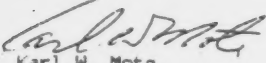
This bill, S.371, contains features that are very important to those dependent on National Forest System Lands for their livelihood and recreation. The first important point is the provision separating water rights are not attacked in this bill. The second is the lack of provision for buffers or protective zones around proposed withdrawals. The third is the development of the special management zone category of lands, recognizing the need for both economic and recreational use, and special specific protection for special environmental concerns. We assume that the special management zone idea could apply to the protection of the ability to produce minerals in the high mineral potential areas, as in the Blackbird cobalt area, and recommend that this be included in the mineral areas included in the proposed withdrawals in Sec. 102.

We are aware that by now, you have probably heard every possible argument of the pro's and con's of adding to Idaho's large Wilderness inventory. The only new data to which I have referred is that which The Bureau of mines is developing. And yet, we feel it is extremely important to, once again, point out the many areas of known and potential minerals this bill would remove from our important domestic mineral supply.

For a moment, I would like to speak to the more general aspects of wise-use versus non-use. We have tried to present the logic of keeping options open on mineral discovery and production. But logic has not been the driving force behind the explosion from the 20- to 25 million acres of "crown jewels" proposed in the discussions leading to the 1964 Wilderness Act, to over 90 million acres we now have set aside, or the millions of acres now under consideration for additional withdrawal. And yet, only logic can prepare us for our future mineral needs. The time needed to undo a Wilderness withdrawal, if it could happen at all, and to explore, discover, develop and produce an important mineral deposit, is measured in tens of years. An emergency would require that we strike a deal with the rest of the world - something like "wait for us world. Don't attack us. Don't deny us our needed imports of minerals and don't wreck our import balance, until we can undo bad politics and start our mineral discovery game all over". Another point is that locking up an unknown means we won't know which area has the needed mineral when the emergency arises. One more point is that originally Wilderness was to be set aside so the general public could enjoy visits to areas unmarked by man, yet recent USFS studies indicate these visits have decreased 33% in the last ten years. So why are we continuing to take more lands out of multiple use management and economic contribution?

We commend your effort to strike a balance between the polarized positions on the preservation issue. We believe your approach is new and refreshing, but we also believe that mineral discovery and production are critical. We ask that you protect the potential economic resource areas from withdrawal.

Sincerely,



Karl W. Mote

Senator McClure. Mr. Cromer.

STATEMENT OF VIRGIL CROMER, ON BEHALF OF THE FOREST PRODUCTS INDUSTRY EMPLOYEES

Mr. CROMER. Thank you, Senator McClure, Congressman Craig. I have a condensed version of my statement here. Mr. Chairman and members of the subcommittee. My name is Virgil Cromer.

I am here today representing the labor force of the forest products industry in Idaho. I am also here as a representative of the thousands of Idaho workers, both in and out of the forest products industry, who believe that the current political debate over the management and use of our public lands has gone on far too long.

In addition to my own statement, I would like to present nine letters from fellow Idaho forest products workers for entry into the hearing record. These right here.

Senator McClure. They will be made a part of the record.

Mr. CROMER. I am here to testify against S. 317 which is being called the Idaho Forest Management Act, but which I will refer to here as the Idaho Wilderness Bill. I realize the bill was so titled because it is intended by its sponsors as a vehicle to resolve some of the controversies over national forest use.

But with all due respect to the sponsors, I believe that all it will accomplish is the addition of another 1.4 million acres to Idaho's existing 4 million acres of wilderness. Last month, the Idaho AFL-CIO convention which met in Lewiston overwhelmingly passed a resolution opposing further set asides of public land for single use purposes, including additional wilderness in the state.

This position has been endorsed by labor organizations in Alaska, Montana, Oregon and Washington. This action was not taken lightly. The fact that it passed overwhelmingly is a reflection of the frustration our working people feel over the continuing threat to our jobs posed by wilderness set asides.

The action taken by the Idaho AFL-CIO is, I predict, the first of many which will be taken by the labor movement on the issue of timber access. The labor delegates opposition boils down to three points.

First, the roadless lands in Idaho contain a major share of the state's current and future timber supply.

Second, there are no alternative sources of supply, and three million acres of private forest land in the state have not the potential to sustain the industry.

Third, unless there is a resolution of the current debate over access to the roadless lands, there will be a drop in available timber supply which will lead to some mill closures and will cost jobs.

These are really the important points for those of us who work in the forest products industry, whether we work in a mill, pulp mill or plywood plant, and regardless of whether we push buttons or pull lumber, it all comes down to the same thing. If we do not have access to timber, there will be fewer jobs.

I would like to ask you all to put aside the facts and figures for a moment and consider the human side of the issue that is being discussed here today. To help you understand my feelings and those of

the people who work with me, let me explain a little history from our point of view.

We have had to live with almost unbearable uncertainty for two decades. I have been an employee of Potlatch Corporation for 25 years and a resident of North Idaho for all of my life. It is my home and my family's home, but for it to remain my home, I need to have a way to make a living.

The wood products industry has provided a good living for me and my family, and I am sure that it can continue to do that for me and for future generations. I am not a forester, but I have listened to enough forestry experts to be convinced that the issue is not timber supply; it is timber access.

I have seen the stress which the uncertainty causes in families where the primary breadwinner is a forest industry employee; that stress strains family ties and sometimes leaves scars that heal slowly if at all.

We working people have been repeatedly urged by our elected and appointed officials to put our faith in one process or another as a means for resolving the issues and providing some certainty for the future. We faithfully responded in every case: unit planning, RARE II, forest planning, and now the current Idaho Wilderness bill.

We wrote letters and attended meetings, but each time preservationists raised new legal issues over roadless areas which prevented resolution of the land allocation issue. Now, we are offered the Idaho Wilderness bill as yet another device for resolving the conflicts over access to roadless areas.

The so-called release language we have been told will lift the potential for litigation but only on the issue of wilderness consideration. Please understand that my skepticism is not a criticism of the intentions of the bill's sponsors, but as I look at what my fellow workers are currently facing in Oregon and Washington where the same promise was offered in 1984, I have to ask, how can you make that claim?

Other issues have been raised, most notably the northern Spotted Owl which have delayed and obstructed timber sales to the point that mills are being forced to close. Despite the release language in both the Oregon and Washington Wilderness bills, the industry in those two states faces massive layoffs in the short term and a very uncertain future.

The shortages in Oregon and Washington are raising havoc with industry in Idaho. Bid prices for public timber in Idaho have doubled in less than a year because Oregon and Washington companies are pushing eastward to find timber, and the ship chip prices have doubled.

As far as I can see, the forest industry is at a crossroads. I can see no acceptable short-term solution on the horizon, least of all the Idaho Wilderness bill. We question whether the Idaho Wilderness bill, for all its well-intentioned language, can only delay or defer a much needed comprehensive solution to what is a nationwide crisis.

In closing, I would like to ask that as you review this legislation you keep in mind the human costs of setting aside another 1.4 mil-

lion acres of Idaho forest land and extending the uncertainty we have endured for 20 years.

With all due respect, please do not tell Idaho workers they need another wilderness bill to build assurances for the future. If you do, forgive them their doubts. They have been down this road before.

[The prepared statement of Mr. Cromer follows:]

Testimony of
Virgil Cromer
On behalf of
Forest Products Industry Employees
Lewiston, Idaho
Before the
Senate Energy & Natural Resources Committee
Subcommittee on Public Lands, National Parks and Forests
Regarding
S. 317
The Idaho Forest Management Act
July 20, 1989

Mr. Chairman and members of the Subcommittee, my name is Virgil Cromer. I am here today representing the labor force of the forest products industry in Idaho. I am also here as a representative of the thousands of Idaho workers, both in and out of the forest products industry, who believe that the current political debate over the management and use of our public lands has gone on far too long.

I am here to testify against S. 317, which is being called the Idaho Forest Management Act, but which I will refer to here as the Idaho Wilderness bill. I realize the bill was so titled because it is intended by its sponsors as a vehicle to resolve some of the controversies over national forest use. But, with all due respect to the sponsors, I believe that all it will accomplish is the addition of another 1.4 million acres to Idaho's existing four million acres of wilderness.

Last month, delegates to the Idaho AFL-CIO Convention, which met in Lewiston, passed a resolution opposing further setasides of public land for single-use purposes, including additional Wilderness in the state.

Our local newspaper criticized this as a "narrow-minded" approach. But this action was not taken lightly. The fact that it passed overwhelmingly is a reflection of the frustration our working people feel over the continuing threat to our jobs posed by Wilderness and a host of administrative setasides which have limited access to national forests in our state.

That frustration is growing in the locals and state groups throughout the West. The action taken by the Idaho AFL-CIO is, I predict, the first of many which will be taken by the labor movement on the issue of timber access.

The Idaho Wilderness bill has been debated before this committee and others in the Congress many times before. I doubt that I can add a single fact or figure to what has already been said. I've read a good deal of the past testimony and supporting information.

Testimony of Virgil Cromer
Page 2

All of it seems to boil down to three points:

First, the roadless lands in Idaho contain a major share of the state's current and future timber supply.

Second, there are no alternative sources of supply; the three million acres of private forestland in the state haven't the potential to sustain the industry.

Third, unless there is a resolution of the current debate over access to the roadless lands, there will be a drop in available timber supply which will lead to some mill closures and will cost jobs.

These are really the important points for those of us who work in the forest products industry. Whether we work in a sawmill, pulp mill or plywood plant and regardless of whether we push buttons or pull lumber it all comes down to the same thing--if we don't have access to wood there will be fewer jobs.

I would like to ask you all to put aside the facts and figures for a moment and consider the human side of the issue that is being discussed here today. To help you understand my feelings and those of the people who work with me, let me explain a little history--from our point of view.

The Idaho Wilderness bill, we have been told, is a partial step toward a resolution of the controversy over the development of roadless national forest land. We have been told it's necessary to allow the Forest Service to move ahead with its timber program which would otherwise be stopped by litigation. We have been told that while it may close one mill and cost some jobs, it will provide assurance for remaining jobs. Frankly, I doubt that any of the claims for the bill, except the one that it will cost jobs, are valid.

I hope you can understand my skepticism, which I believe is shared by most of my fellow workers. After 20 years of watching these controversies tie up acre after acre of national forest land for non-timber uses, we've come to mistrust such claims.

We've had to live with almost unbearable uncertainty for two decades. I've been an employee of Potlatch Corporation for years and a resident of North Idaho for all my life. It is my home and my family's home. But for it to remain my home, I need to have a way to make a living. The wood products industry has provided a good living for me and my family and I'm sure that it can continue to do that for me and for future generations. I'm not a forester, but I've listened to enough forestry experts to be convinced that the issue is not timber supply, it is timber access.

Testimony of Virgil Cromer
Page 3

The continued uncertainty over the future access to timber from our public lands casts a long shadow over any future plans those of us in the forest industry might make. I've watched as young people, discouraged by the uncertainty, have left their homes and families behind to find jobs somewhere else.

I've seen the stress which the uncertainty causes in families where the primary breadwinner is a forest industry employee. That stress strains family ties and sometimes leaves scars that heal slowly, if at all.

I've also watched as hopes have been raised, then dashed, by our elected and appointed officials who have promised that some process or legislation will provide the assurance we so desperately need, and which our industry needs to continue to plan and invest for the future.

We working people have been repeatedly urged by our elected and appointed officials to put our faith in one process or another as the means for resolving the issues and providing some certainty for the future. We've tried to respond in every case. In the early 1970s, we all participated in the unit planning process on the national forests. We wrote letters and attended meetings. But preservationists raised new legal issues over the roadless areas which led us to RARE II.

When RARE II came along we were told again that the process would lead to a resolution of the roadless area debate. Again, we wrote letters and attended meetings. But again the preservationists found some new legal issues which prevented a resolution.

Then we were told the Forest Plans would resolve the issue and provide some assurance. Once again, we attended meetings and wrote letters. In Region One, our forest plans were finalized in 1987. Now we are told that additional Environmental Impact Statements are necessary to provide access to the roadless areas. This additional environmental documentation is delaying the preparation of timber sales to the point that the forests in our region still haven't been able to offer the Allowable Sale Quantities in the Forest Plans.

Now we are offered the Idaho Wilderness bill as yet another device for resolving the conflicts over access to roadless areas. The so-called "release" language, we have been told, will lift the potential for litigation--but only on the issue of wilderness consideration.

Please understand that my skepticism is not a criticism of the intentions of the bill's authors. But as I look at what my fellow workers are currently facing in Oregon and Washington, where the

Testimony of Virgil Cromer
Page 4

same promise was offered in 1984, I have to ask, "How can you make that claim?" Other issues have been raised, most notably the Northern Spotted Owl, which have delayed and obstructed timber sales to the point that mills are being forced to close. Despite the release language in both the Oregon and Washington Wilderness bills, the industry in those two states faces massive layoffs in the short term and a very uncertain future.

Are we expected to believe that resolving the Wilderness issue will prevent the preservationists' legal experts from finding some nook or cranny in the law which will do to us what the Spotted Owl had done to our friends to the West?

By the way, the shortages in Oregon and Washington are raising havoc with the industry in Idaho. Bid prices for public timber in Idaho have doubled in less than a year because Oregon and Washington companies are pushing eastward to find timber. We have instances of timber companies from Portland, Oregon buying timber sales in Idaho--350 miles away--just to keep their mills running! Chip prices have also doubled.

As far as I can see, the forest industry is at a crossroads. I can see no acceptable short-term solution on the horizon, least of all The Idaho Wilderness bill. For all of it well-intentioned language, in its present form it can only delay or defer a much-needed comprehensive solution to what is a nationwide crisis.

In closing, I would like to ask that as you review this legislation you keep in mind the human cost of setting aside another 1.4 million acres of Idaho forest land and extending the uncertainty we have endured for 20 years.

Keep in mind, too, that this Idaho Wilderness bill is but one more in a long series of efforts--most of them successful--to remove land from consideration for timber management. Less than half of our national forests are currently available for full timber management due to setasides for a variety of environmental, recreational and aesthetic purposes.

With all due respect, please don't tell Idaho workers they need another Wilderness bill to build assurances for the future. If you do, forgive them for their doubts. They've been down this road before.

Rt. 2, Box 81
Culdesac, ID 83524

July 13, 1989

Honorable James A. McClure
United States Senate
Washington, D.C. 20150

Dear Senator McClure:

I am writing to express my concerns with respect to the Idaho Forest Management Act, which includes the designation of 1.4 million acres of currently roadless areas as Wilderness.

Senator McClure, I moved to northern Idaho some 8 1/2 years ago from the eastern U.S. because of the tremendous variety of outdoor recreation that this region has to offer. I spend a lot of time each year hunting or fishing. In addition, I am an amateur photographer, and a backpacker who loves to get up into the high country to take pictures or just to "see what's up there". I spend some time each year in one or more of the currently established Wilderness areas, but I also enjoy camping in some of the more developed National Forest lands.

I have a wife and two sons (ages 8 and 11), and we are a family of outdoor enthusiasts. We spend many days afield each year enjoying the mountains, rivers, lakes and streams of this wonderful area.

As I said, I have spent time in Idaho's Wilderness areas. I am always tremendously impressed by the ruggedness and beauty in these areas, and I am very proud that we have such large areas set aside for anyone who has the desire to use them. However, I am growing increasingly concerned that the designation of large amounts of additional acreage as Wilderness in northern Idaho will threaten the stability of the timber industry.

I work in the timber industry. I love northern Idaho, and have made this area my home by choice. I have a strong interest in the continued good health of the timber industry; First, because my wife and I wish to continue living here, and second, because we want the area economy to be healthy enough that our sons may live here if they choose to when they are grown.

I believe that Idaho already has enough Wilderness acreage, Senator McClure. I also believe that should more large areas of Wilderness be created, the people of Idaho will suffer in the long run. Please reconsider your position on the Idaho Forest Management Act.

Thank you very much for listening!

Sincerely yours,



Bill Hackett

P. O. Box 496
Lewiston, Idaho 83501
(208) 743-4356

July 14, 1989

Dear Senators:

Idaho is a great, rugged state that was largely ignored by the early homesteaders. These pioneers who were induced by the promise of land to settle the better parts of our midwest and west, found Idaho inhospitable due primarily to the geography. As a result, Idaho today is about two-thirds (2/3) owned by government. Naturally substantial amounts of this government land is forested.

The economy of Idaho depends largely on timber, agriculture, and mining (although mining has had rough times in the Eighties). The timber industry grew in Idaho based on utilization of timber resources from both private and government (Federal and State) lands. Over the years the knowledge of timber propagation and harvest have evolved to the current sustained yield management concepts which, if practiced on private and government lands suitable for multiple use, will assure perpetual resources for the Idaho timber industry. For example, we know that Forest Service studies show that in the Idaho forests that growth is over twice the rate of drain (harvest, death, or destruction) and if brought under multiple-use management on those acres suitable for such uses the growth/drain ratio could be increased.

The timber industry is a major economic factor in North Idaho and also in local areas in south Idaho. There are about twenty and one-half (20.5) million acres of Federal forest in the state. Thirteen (13) million acres are roadless and of that, four (4) million acres are already designated as wilderness. The remaining nine (9) million roadless acres are now being considered for either wilderness or multiple-use designations. With only seven and one-half (7.5) million acres currently managed for multiple-use, we believe our economy needs additional permanent areas. The addition of more wilderness acres should be made only for limited areas which are not suited for multiple-use.

We urge you and all legislators to look again at the economic and social values that arise from proper use of national natural resources. In particular, we focus on trees, a truly renewable resource. Properly managed, the forests will provide on a sustained basis:

Jobs -- the kind you can raise a family on.

- Products -- timber, plywood, paper, pulp, chemicals, etc.
All of which are valuable materials needed by all
U. S. citizens and desirable in international
trade.
- Taxes -- income taxes from businesses and their employees
- payments in place of taxes to counties based on
timber harvests from federal lands.
- property taxes from private timber land owners
- Recreation - wildlife thrives in areas of managed timberlands.
- camping is common in roaded forest land.
- Tourism -- Roaded timberland is conducive to sightseeing
- more than half of Idaho's "tourists" are business
travellers serving agriculture, timber, and
mining interests.

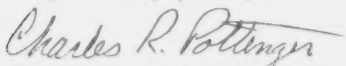
In the interest of some brevity, we will turn to our suggestions for
improving Idaho's forest management.

First, create legislation affecting all Federally owned,
national natural resources, such as timber, and insist that their use
require conversion to higher valued products by facilities located
within the United States. This means that national natural resources
cannot be exported in crude form.

Second, create hard laws preventing the purchase of Federally
owned national natural resources by persons or firms engaged in the
export of the same resources (for example, logs) taken from
non-government sources. This anti-substitution law must be loop-hole
free to assure the national natural resources provide jobs for
United States workers.

Third, develop a comprehensive law that defines and maximizes
the utilization of multiple use management areas throughout the
Federally owned lands in Idaho. The preferred legislation, would
release the non-wilderness areas for multiple-use management
immediately. Such a law might create some additional wilderness
areas, but must eliminate the uncertain status of all non-wilderness
areas and allow management to proceed for the benefit of all the
users.

Respectfully yours,



Charles R. and Betty F. Pottenger

July 14, 1989

Honorable James A. McClure
United States Senate
Washington, D.C. 20150

Dear Senator McClure:

I am a tax paying, hard working, loyal voting, hunting and fishing, disabled veteran of the Korean War, and a lifetime native of the great state of Idaho. I was discharged in 1952 and returned to Idaho still licking my unhealed wounds.

I obtained a job in the timber industry at Potlatch's lumber mill at Lewiston. I have continued to work there for the past thirty seven years. During that 37 years, I watched my money, earned by the utilization of the timber resources of this state, raise a large family, build a respectable home, and provide the necessities of life, with a few luxuries thrown in.

I have watched the taxes from my money put men on the moon, build schools, port districts, highways, and other material things too numerous to mention. My tax money from the wages I earned in the timber industry also went to the aid of the farmers in the form of government subsidies; it helped bail out the dairymen, airlines, people destitute due to natural disasters, the unemployed, etc. The list is endless. The money I took home and spent helped keep a service station in business, grocery store clerk, car manufacturers, Budweiser Brewery, etc. Again, the list is endless.

The point is, when the money earned by all the workers in a particular industry stops because of the demise of that industry, then somewhere else the line continues with more and more people being unemployed. This goes right up the line to the state house. When the taxes stop, so does progress and an effective government.

In Idaho we have only three main sources of revenue. Mining, farming and timber. I don't list tourism, as I don't believe in fantasies. There will never be enough boats and horses in the state of Idaho to support a tourist trade that would replace the main industries, if these industries could operate near their maximum potential. The rivers and lakes are already overcrowded, and restrictions on their usage are imposed out of necessity. Stays in camp grounds are limited in the areas still available to the average public. Motels, restaurants, bars, and other tourist associated businesses are known for their sub-standard wages and part time help. The tax revenue from these people will not contribute much, if at all toward keeping this state afloat.

The state farmers are being attacked from all sides by the numerous environmental groups. Weed sprays that could help increase production are banned. Pest control chemicals, fertilizers, etc., are successfully banned by these groups almost as fast as they become available to the farmers.

(2)

Restrictions on mining, and Wilderness areas that ban it, have almost made this a dead industry.

The timber industry has already suffered greatly due to the actions of the environmentalists. Mills have been forced to close, putting lumbermen, truck drivers, etc., out of work in addition to the many businesses and their employees that made their living off the wages earned by the people in the timber industry.

Idaho cannot afford to become another national park to be viewed from the air by passengers as they fly over it. We need all our resources to continue to exist as a state. If we lose more of our resources to the environmental groups, composed of people that falsely believe that they will be unaffected by it, then we will have doomed the future of our children, this state, and ourselves. The stalling tactics of these groups continue to disrupt the economy and timber manufacturing plants in the Pacific Northwest.

When the monkey flower and the spotted owl issues are finally settled in the courts, I am sure these same people will find some other ridiculous item for more injunctions to hamper the timber industries.

It would be interesting to hear the opinions of the senators and congressmen if they could walk through the Gospel Hump Wilderness area as it is today, taking note of the burned out wasteland caused by last year's fires, observing the fine timber that now lies wasting on the ground and across trails, put there by fire lightning and wind. I believe these same trees could have been utilized to build homes for the homeless, and employment for the unemployed.

Idaho can be seen by all from its water and roadways. The Wilderness areas can be seen only by a select few.

Idaho needs jobs and industries - not more tourists and Wilderness.

I urge you to fight with tooth and nails to prevent the loss of any more of our valuable resources.

Good luck.

Bill Stinson

Bill Stinson
1532 Airway
Lewiston, ID 83501

Robert F. Solders
3434 Seventh Street
Lewiston, Idaho 83501

July 16, 1989

Senator James McClure
U.S. Senate
Washington D.C.

Dear Senator McClure:

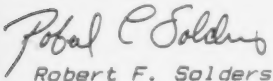
I was born in Idaho in 1958 and have lived my entire life in Idaho. My father, grandfather and I have enjoyed multi-use land in Idaho for recreational purposes as well as benefitting from U.S. Forest timber sales. My grandfather retired from a wood products company but my father and I continue to work in the timber industry.

I feel that the United States Congress is letting down the American workers who rely on U.S. Forest timber sales for their livelihood in Idaho. I believe this is due largely from pressure that congress is receiving from special interest groups like the Sierra Club and its counterparts.

As Idahoans we see unprocessed timber being shipped down the river from Lewiston, headed for Japan, insuring the Japanese worker of continued employment while our own is jeopardized. Now we have the Congress trying to lock up our land to further threaten employment of working taxpayers in Idaho; We are expected to be consoled by the increase in tourism industry jobs at minimum wage.

I and countless other Idaho residents have had enough of Wildernss Bills for Idaho. We live and work here. It is our home. Its future should be decided by us not vistors or tourists or those who will not be directly affected by decisions made.

Sincerely,


Robert F. Solders

Charlie Dammann
921 9th Ave
Lewiston, Idaho 83501

July 17, 1989

Dear Senator McClure,

In regards to your wilderness bill that is going before the committee. I would like to express my feelings on the issue at hand.

I have lived and worked in the state of Idaho all my life. The lifestyle I receive and enjoy, I owe to the forest industries of this state. I am therefore in favor of a multiple plan for all our national forest.

As it seems to me if congress passes another wilderness bill the environmentalist will just be back for more later on.

I could agree with the McClure-Andrews wilderness bill but only if it put an end to the environmentalist coming back and trying to lockup more of our remaining national forest.

The citizens have a right to earn a good living without some S.O.B. from back east trying to take it away from us.

Sincerely

Charlie Dammann

July 17, 1989

Senator James McClure
U.S. Senate
Washington D.C.

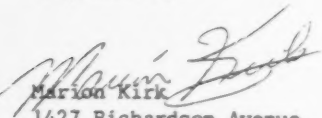
Dear Senator McClure:

As a resident of Idaho for over 50 years, I strongly object to any additional land being added to the present wilderness area in Idaho.

We have ample land that is not being used for anything now in our present wilderness areas.

More land included in either the wilderness area or roadless areas eliminates that many more jobs for the people that live in Idaho.

Respectfully,



Marion Kirk

1427 Richardson Avenue
Lewiston, Idaho 83501

MK:kp

July 17, 1989

Senator James McClure
U.S. Senate
Washington D.C.

Dear Senator McClure:

I am a resident of Idaho who enjoys multi-use land. I have benefited from the U.S. forest timber sales of these public lands. I am presently employed in the timber industry.

I feel that adding more wilderness in Idaho will only threaten the employment of the Idaho workers. The only benefit, if it can be counted, will be the increase in tourism which will add more jobs at minimum wage.

It is my hope that Congress will protect the workers and the people of Idaho from more unwanted wilderness. Do not fall to the pressure from the special interest groups such as the Sierra Club. Their feelings are not ours when it comes to the addition of more wilderness in Idaho.

This is my home and it's future is my life.

Respectfully,



Marvin L. Knotts
331 6th Street "D"
Lewiston, Idaho 83501

MK:kp

July 17, 1989

Senator James A. McClure
U. S. Senate
Washington, D. C. 20510

Dear Sir:

There are three issues that I would like to address concerning the Timber Industry in the State of Idaho and the Pacific Northwest.

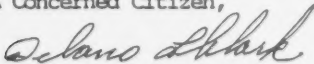
The first is the infamous and rarely to be seen "Monkey Flower". This tiny flower has managed to stop the building of access roads that would have allowed the harvesting of mature timber in an area that is not very accessible by using the current road system. The Forest Service has bowed to the wishes of the environmentalists and has decided that more studies are needed before the access roads can be built. This delay has cost the people of Idaho several hundred jobs because of the loss of the harvestable timber in these areas. This admitted ploy by the environmentalists has worked because the Forest Service has refused to reconsider its decision to conduct more studies on the endangered flower.

The second issue that bothers me is the Spotted Owl. Someone has determined that a pair of these little creatures require 2,600 acres of "old growth" timber to survive. This estimated amount of required habitat seems to me to be on the high side of ridiculous. There are only two animals in the wild to my knowledge that may require an area this grand and they are the grizzly bear and the mountain lion. They both "stake out" their areas, but neither require the 2,600 acres that the spotted owl does. Also both get along quite well in timber that is not "old growth" timber. The spotted owl seems to be quite selective if it requires nothing but "old growth" timber in which to live. This "old growth" timber is over mature and in this state is highly susceptible disease, rot and fire. The timber industry have plans to manage the areas that they log by replanting and selective cutting. All of the citizens benefit from these practices because of the accessibility and economy growth in these areas.

The third issue is the continuing arguments over the wilderness areas of Idaho. As a member and employee of this industry it is in my best interest that there is no more wilderness areas designated in this state. By designating as area "wilderness" all public is restricted from using it. The timber industry have to be able to manage these areas for the future of our industry, and the public benefits from the continued growth of the area's economy and the better accessibility to the harvested areas. By designating more area to the "wilderness plan" more timber would be denied to the timber industry, and therefore more jobs would be lost because of the loss of timber supply.

Thank you for your continued efforts in your support of legislation that helps the timber industry and the people of Idaho.

A Concerned Citizen,



Delano L. Clark
225 Hillcrest Road
Lewiston, ID 83501

Senator James McClure
U.S. Senate
Washington, D.C. 20515

Dear Senator McClure,

I work at Potlatch Corporation in Lewiston, and recently I've been hearing a lot of discussions and news reports about Monkey Flowers, Spotted Owls, and wilderness proposals. It seems that all three of these things pose a threat to the Forest Products Industry in the Northwest, and I would like to voice my opinion on these issues.

Now I've never seen a Monkey Flower or a Spotted Owl before. That doesn't mean I don't spend time in the outdoors, my father has owned a cabin at Orogrande near Elk City for more than twenty years, and I'm an avid bow and rifle hunter. This also doesn't mean that these two things are endangered, as I wouldn't know one if I saw one. I've never seen a Cougar, Fisher, Pine Martin, Wild Turkey, and many other wild animals and flowers. Although I've never seen these things, I don't believe this means they are endangered, it just means I haven't been observant enough or they saw me before I saw them. I don't believe we should close the woods because Brian Dale or someone else hasn't seen these critters, we just haven't seen them.

The wilderness issue also concerns me. Don't get me wrong, I do believe that some wilderness is necessary. I just believe we have enough. In the sixties, my father would ride his motorcycle to all the lakes in what is now the Gospel Hump Wilderness area. A motorcycle was necessary due to the remoteness of the area. When I was young, I had hoped to do the same thing. The wilderness up there has stopped those plans, as I do not own a horse, and have no where to keep one if I did. I may in the future buy a horse and enough property to keep him, but that is in the future. I wonder about all the other people in my position, who cannot and possibly never will be able to afford the upkeep and expense of horses. Are wilderness areas only for those who are wealthy enough to own the proper gear?

Enough is enough Senator McClure. please help to stop those in our country who are ending our way of life.

Sincerely,


Brian D. Dale

Senator McCLURE. Thank you very much. I appreciate your testimony. Congressman Craig was just explaining there is another vote in the House, and he has to go vote. I appreciate the testimony of each of you, and I have just a few questions.

Because Mr. Mueller you said it well. I think all of us have heard all of this testimony before. This is not a day for debate on the issues as much as it is to seek information from you. So my questions and comments are not so much in the spirit of a full-fledged debate upon the issues which I think we all would welcome the opportunity to do at another time and a different forum.

Mr. Scott, running through the testimony of the three environmental organizations and in some respects picked up by the industry in their statements is an opposition to some of the provisions of the bill because they deprive the Forest Service of flexibility.

And I do not say this argumentatively, but would it not make just as much sense to argue on the other side of the issue that the provisions with respect to special management areas should be no more permanent than is the designation of wilderness?

Mr. SCOTT. I do not believe so, Senator. I can see a superficial logic that would suggest that, but I believe you go back to fundamentals. Twenty-five years ago the Congress, after a very rigorous debate, enacted the Wilderness Act to provide a higher level of permanence and security to areas designated prior to that by administrative action.

It was an exercise of legislative authority.

Senator McCLURE. It was prescriptive.

Mr. SCOTT. Absolutely.

Senator McCLURE. And it takes discretion away from the public land management.

Mr. SCOTT. Absolutely, and it was intended to do so. For the balance of the forests, other statutes have subsequently been enacted which build upon the Multiple-use and Sustained Yield Act of 1960, the Resource Management Act, the National Forest Management Act which provide a wealth of guidance to the Forest Service about the multiple-use administration of the balance of the forest lands that are not going to be set aside for this special wilderness purpose.

And I believe we are wiser to proceed in that direction. And the burden of my testimony was to say, in 27 other states, we have chosen a path of resolving the wilderness issue in a way which, contrary to what the Chief said, has largely precluded appeals on the roadless area question and wilderness questions because of the release language.

That has worked elsewhere, I think, to a highly satisfactory degree.

Senator McCLURE. It does not seem to be working today. It has in the past. I have heard a great deal said about the number of appeals of forest sales with respect to wilderness or roadless areas.

And I note in some of the testimony somewhere today or a question, we are talking about five year averages. Five year averages are no longer applicable because things have changed dramatically in the last year on that issue, is it not correct?

If you look at the appeals of roadless areas in the state of Idaho, appeals on proposed sales in the state of Idaho in the last year, is not that dramatically different than it was five years ago?

Mr. SCOTT. I think you will find that most of the forest plans are presently in some state of appeal in Idaho on a wide range of issues that go far beyond do not touch lands that are roadless. In many cases, go far beyond that.

Senator McCLURE. I understand that. But I am talking about individual sales that are appealed.

Mr. SCOTT. I do not have information that suggests there has been a dramatic increase in those.

Senator McCLURE. I will make the statement. I hope it is correct. I believe it is. I certainly do not intend to make a statement knowingly that is false.

But the number of appeals dealing with roadless areas, because they are roadless areas, has greatly increased in the last twelve months. And while we could in the past make statements about the fact, well, roadless area sales are not being appealed is pretty largely true because the Forest Service did not dare offer any, and therefore did not.

And now they are at the point where they cannot help but offer them if they are going to keep sales volumes up, so they do offer them and they are being appealed.

Mr. SCOTT. In the absence of the resolution that is available to us with the standard release formula, and a standard wilderness bill.

Senator McCLURE. Yes. Now, the release formula in this bill is standard, is it not?

Mr. SCOTT. Yes, it is. And we appreciate that and we salute that.

Senator McCLURE. There was some statement made I think by the Forest Service about the change in language. All in the world we did was change the framework referenced because RARE II is completed and we are now dealing with forest management plans.

But it is standard release language in every other respect as I understand it. I will check my facts, but I think it is correct. We may have a different understanding of the facts with respect to Long Canyon. Long Canyon is in the base in the forest management plan. They do not propose any harvest in the first planning period. But it is in the planning base.

Mr. SCOTT. Well, let us get this one settled. That is not my information.

Senator McCLURE. It is mine, and I may be mistaken. It is easy to determine. In order that I get an understanding of priority, and I want to separate one issue and that is the air strips, the back country.

Senator Church, and I remember the conversation very well, agreed with me that it was unlikely that we would enact the bill that encompassed central Idaho wilderness which now bears his name unless we resolved the issue of the back country air strips.

And we sought to resolve that issue by writing a special provision in that bill, not generic, not the average, not the discretionary, but a specific statutory provision. Would you have opposed that bill because of that provision?

Mr. SCOTT. No, sir, and we did not. The point here is that this is sweeping language that applies throughout the state of Idaho and

to all wilderness areas and it makes these things permanent. It removes a degree of flexibility on the part of the land managers in the distant future to deal with events that neither you nor I could possibly predict relative to specific landing strips.

Senator McCCLURE. You did not trust the Forest Service for management of the areas that were called primitive areas. You wanted a degree of permanency, and you had statutes, supported statutes and still do that deprive them of future discretion.

But when it comes to an issue like this, you want them to be able to change the rules in the future. Are not those who depend upon access to the back country by air as entitled to permanency as those who desire wilderness designation?

Mr. SCOTT. I believe, Senator, that the question ought to be one of individual air strips under the circumstances that prevail and change over decades and time as to whether there is a purpose for that particular air strip anymore.

It is not as though there are not a lot of air strips in Idaho's wilderness.

Senator McCCLURE. But you make the assumption that every acre of wilderness, that the reason for that acreage is permanent.

Mr. SCOTT. Until the Congress in its wisdom might choose to change it.

Senator McCCLURE. Great. I buy that. I would say the same thing is true with respect to back country air strips. As a matter of fact, there is a reason to close a back country air strip and they can persuade Congress that indeed that should be done, Congress can enact that change.

Mr. SCOTT. Let me just say that I think if we go down that road, should every tree not be logged until Congress determines that particular tree. I mean at some point, and we believe that there is ample justification, and Congress debated it for eight long years, to have a wilderness system that distinguishes those areas of the national forests and other jurisdictions for wilderness permanence pending Congress' later decisions.

The management of individual air strips seems to me to be getting to a whole different level of specificity.

Senator McCCLURE. I am told we are going to have a roll call vote on the floor of the Senate very soon, and for that reason, I am going to move as rapidly as I can. I do not mean to cut anyone off, but I really do want to get across the panel.

With respect to water rights, if indeed the lands involved in the wilderness area are already in public land management, and if indeed, they are at the head of a watershed, is there any need to invest the Federal Government with more authority with respect to that water than they already have with respect to the lands on which the water originates?

Ms. SHELDON. Well, my response to that, Senator, would be, no. Because I assume that those lands would have as part of their being set aside for wilderness, federal reserved water rights.

Senator McCCLURE. But let us set that aside for just a moment because you say you do not understand the phobia, and I do not quite understand your phobia. That is why I am asking the question.

Ms. SHELDON. My phobia of not having those?

Senator McCLURE. Yes. Why, if the Federal Government manages the land, and it is headwaters land, does the Federal Government need to be invested with any additional rights with respect to the lands or the waters thereon than they already have?

Now, you do believe, do you not, that there is a federal reserve water right on Forest Service lands?

Ms. SHELDON. Yes.

Senator McCLURE. And they already have that right under the doctrine to which you make reference.

Ms. SHELDON. Right. But the extent of the right for forest lands, for those purposes set forth in the Organic Act for the national forest system which is a much more limited list of purposes than the purposes set forth in the Wilderness Act.

So when we are speaking of reserving water for wilderness purposes, it is for those additional purposes that are identified in the Wilderness Act.

Senator McCLURE. If the land is managed as wilderness, what additional purpose is there?

Ms. SHELDON. Under the Organic Act, the national forests are set aside to preserve watershed and timber. And the additional purposes in the Wilderness Act relate to maintaining those systems in perpetuity in their natural state. So there are additional esthetic, recreational, wildlife, scenic values.

Senator McCLURE. And if you manage the land in that way, what is going to happen to the water?

Ms. SHELDON. Well, there is the potential for conflicts even on headwaters areas because under the appropriation system there can be changes in use which might result in changes in diversion points within wilderness areas.

The point is to establish for wilderness federal reserve water rights that are extensive enough to fulfill wilderness purposes, and we need to have those even for headwaters areas.

Senator McCLURE. I will explain my phobia.

Ms. SHELDON. All right.

Senator McCLURE. The Federal Government has too much control over Idaho already, and I am not about to give them more. And as far as I am concerned, unless there is a reservation of the water rights which they now have, not attempting to resolve the question of Forest Service management, and the reserve right under Forest Service management would not be one acre of additional wilderness in Idaho. Not one acre. Not one.

Ms. SHELDON. Senator, your concern about federal control over Idaho is ameliorated to a large extent by the fact that the procedural requirements of state law still do apply to the adjudication and perfecting of water rights, even federal water rights.

Senator McCLURE. Right. I understand you to say as long as this language is in there, you will oppose the bill, and I am trying to tell you that if that language is not there, there will not be a bill as far as I am concerned. Not now, not ever. Not as long as I am here.

Mr. Medberry I want to ask you the same question that I asked Mr. Scott a moment ago. You have indicated on page two of your statement, in the second paragraph, you say the danger of special management language poses in some instances is that it makes in-

flexible land management decisions and eliminates the discretion of professional land managers on issues which they know best.

Do you apply the same logic to areas not recommended by the Forest Service for wilderness?

Mr. MEDBERRY. I suppose I would give somewhat the same answer. I would add, however, that I think wilderness does allow many uses, and is in itself a multiple use mandate. It allows grazing. It allows many activities which you know.

Senator McCLURE. But the professional land managers' discretion about issues that they know best, when they decided in the public hearing process, the development of forest plans not to recommend an area for wilderness, that ought to be final in your view?

Mr. MEDBERRY. I think that we are free to differ with their recommendations and we obviously do so.

Senator McCLURE. In that instance, but not in others?

Mr. MEDBERRY. I think in others, you know, anybody is welcome to disagree with someone's discretion. I think that is part of the debate we are going through.

Senator McCLURE. I understand that. I do not like the double standard. That is all I was trying to bring out. And I guess we are all guilty of that double standard. It is relatively subjective. I am not just blaming you. I know if I point the finger at you, I have three pointing at me.

I like their discretion when I agree with it. If I do not agree with it, I try to change it. I might just say with reference to the South Fork of the Salmon, just for the record, the Forest Service consensus group in the development of the planning act and the studies that supported that, said that the best way to keep sedimentation out of the South Fork of the river was to pave the road.

Mr. MEDBERRY. I have that agreement here, and I do not read it that way.

Senator McCLURE. Well, all I would ask you to do is read the report. I have.

Mr. MEDBERRY. May I submit it to the Committee.

Senator McCLURE. Surely. Because that is not what the report says. They chose the close the road option because it was less expensive than paving, not because it did a better job at sedimentation removal. It does not according to their own studies.

And that is the reason that I said, okay, if your problem is sedimentation, and the best way to get it out is paving the road, let us pave the road. They said we cannot afford it. I said I can solve that for you. And we did. We got an appropriation to do the thing that their own study says is best for sedimentation.

Now, certainly, there are other problems, and I am not going to debate the entire South Fork issue. Obviously, not all of the silt that went into that river was as a result of timber operations. Much of that siltation would have occurred if there had been no timber operations in the watershed because of the very unusual event that occurred in terms of weather.

Secondly, you say that to allow timber harvest would create irreversible damage, and yet you point to that event that almost wiped out the fish run, you say which that is a different issue.

Mr. MEDBERRY. It is well documented.

Senator McCLURE. But it is not irreversible, is it? We hope to recover, and we are doing what we can to recover. And helping to provide the money to provide some of the means to recover, including downstream obstruction of fish passage which is after all the major reason for the decline in fish runs in South Fork of the Salmon.

Mr. MEDBERRY. S.371 does not encourage or even allow, if you want to read it in some ways, an increase in the condition, a betterment of the salmon habitat as the forest plan did and as this consensus language which I have here does.

Senator McCLURE. I am sorry, but I am going to have to ask you to wait while I go vote, and I will return. I just did not get through the panel quickly enough, and I do not want to cut anybody off.

The Committee will stand in recess subject to the call of the Chair.

[Recess.]

Senator McCLURE. The Committee will come to order.

I have just been advised that the statement I made earlier was incorrect with respect to Long Canyon being in the base. I am told it is not included in the base. The advice I had received earlier is not correct.

I notice that Tim Mueller has gotten darker.

Mr. REILLY. He probably wishes he had. He had to catch an airplane, Senator. If it would be acceptable to the Chair, I would be happy to take his place answering questions.

Senator McCLURE. Surely. I just wanted to note for the record that there is a change behind Tim Mueller's nameplate. Mr. Reilly, you are very welcome as a representative of the Forest Industry in Idaho.

Mr. REILLY. Thank you.

Senator McCLURE. Mr. Mueller said, upon one or more occasions in his prepared testimony, advocates of wilderness legislation often cite the need to release non-wilderness roadless areas. However, we believe S.371 as drafted will not meet this important goal.

I want to state for the record again what I have stated repeatedly and repeatedly and repeatedly; we know it does not. It releases it from further study for wilderness. Period. That is all.

The forest industry has repeatedly asked us to come up with something that would say, now, go cut trees. And I understand their frustration, but I have tried to say as forthrightly as I know how to say, you cannot pass that kind of legislation or at least I have not seen any of that kind of legislation that I believe we can pass.

Because there are a host of other issues. I have said repeatedly that all it settles is the wilderness designation question, and therefore, gets you passed one step in the process of making management decisions. But there is a need to address how you do the other management decisions. And I repeat that again, today because I want it on the record again as I have tried to get it there repeatedly.

I know it does not solve all the management problems. It solves one, and it solves a very important one because until you get past *California v. Block*, wilderness issue is an automatic stay with respect to every decision. And so anybody that wants to frustrate any

management activity has only to raise that issue, and they are automatically stayed from any action.

And it is therefore important, if you want to get to the other issues, to first satisfy the wilderness question. That is all in the world this can do, and that is all we have ever said that it does. And I have said upon other occasions this ship is not very high in the water now. You add any more weight to it and it will founder for sure.

And if that is the desire of people as it certainly is, and I do not question the fact that some people want to make sure this vehicle does not move, then all you have to do is try to put some additional weight on it and you have solved the problem. It ain't going to move with more weight on it. It may not move without the weight.

I state that as strongly as I know how to state it because I do not want anybody misled. Mr. Cromer, you make the same statement in your statement, and I understand the frustration of people in the timber industry and who are dependent upon it for their jobs, their livelihood, their income, their return on investment in whatever level in the industry they may be.

That this is not theory with men and women who depend in these communities for their livelihoods upon the ability to get into the woods, harvest some timber and move it through our saw mills. I have tried to say for several years that we have a crisis coming in the Idaho forest industry. I had thought it was two or three years away from us in Idaho.

The Spotted Owl controversy in Oregon changes that timetable and accelerates it, because it is true that operators in the state of Oregon and Washington are moving into Idaho and bidding on Idaho sales, and therefore increasing the competition for available wood.

Now, for the guys that work in the woods, that does not change their opportunities or their concerns because whether the log is exported from Idaho or milled in Idaho, they still have the forest-based jobs in the woods. But the sawmill worker, the pulp mill worker, the people that work in those mills in Idaho have a very great deal to lose.

Mr. CROMER. Yes, they do.

Senator McCLURE. And I am very, very much concerned about it. The only question that I have with your testimony at all is show me a better way to get this done.

Mr. CROMER. Well, Senator, there are a couple of avenues we could explore, but I cannot write no bill for sure. But if we could get the Forest Service to get the forest studies and NEPA's and EIS's and get everything combined into one on one road to where once this one plan was approved, that it would be the end of it.

The way it is now they go down three separate roads or sometimes four separate roads, and they all kind of tend to separate and get in different directions. And the forest plan suffers from it. Ultimately, it is tied up for however long.

Senator McCLURE. Yes. Well, I noted that in two places on page three of your testimony, you said you have watched as our hopes have been raised, then dashed. You promised that some process or legislation will provide the assurance and at the bottom of the

page, and now we are offered valuable wilderness bills yet another device for resolving the conflicts over access to roadless areas.

I just want to make the record abundantly clear, I have not done that. I have been very, very careful to say you have got all of the host of other management problems still there. And I agree with you. There ought to be a way. I suspect you need to talk to people at the other end of the table about that process, about how we can provide the assurance because it pretty largely lies at the other end of the table all the rest of the questions that are being raised.

And I think we need to talk together. I am not pointing the finger out of anger as much as I am to say that there has to be a way to get you at the opposite ends of the table to talk about process. Wilderness designation, I do not care how it comes out, does not solve that problem. It never has, and in my judgment, it never will.

As long as the timber industry insists on saying fix all our problems or we will not let you fix any, you are not going to have any solution to that problem. There will be no wilderness bill. It will be in the endless process of litigation on every issue that you now find so frustrating.

Resisting the wilderness bill that we have adopted does not answer the question in my view. Let me say to Mr. Mote, thank you very much for bringing some new information. I think it is probably the only new information we have gotten in the hearing this afternoon. And we will look at it very carefully recognizing that without making a speech, the mining industry oftentimes is totally submerged because the political momentum simply ignores the unknown which is really what mining is.

Thank you very much and thank you, Senator Wirth.

Senator WIRTH. Senator McClure, I just wanted to comment on the fact that I am delighted that wilderness bills engender a good deal of lightning in Idaho as they do in the State of Colorado.

I wore my wilderness pin today in honor of the Idaho wilderness bill. I wanted you to know that I am glad to see that there is a wilderness bill. Never enough from my perspective, but very glad to see that progress may be being made.

We have a very short period of time until we have to go back over and vote, and I have two quick questions: one related to timber and the other related to water. Let me take the latter first. I know you have been through water a great deal, and let me do this if I might and maybe Karin, you might be the person to respond to this and any others of you.

I have introduced a Colorado wilderness bill. We looked very extensively at the same headwaters issue that Senator McClure is struggling with in Idaho, and we are all looking at. And what we attempted to do in the Colorado wilderness bill is to define headwaters areas only. Not get into the downstream deal and flatland material.

Then to say that since these were headwaters areas, Uncle Sam, presumably had rights to those waters anyway, and that those would go through state water court. And that in going through state water court those would have the seniority of the time of passage. In other words, they would be the most junior rights around.

That any conflicts would be adjudicated by the state water engineer. You know, backing off as far as we possibly could from the fear of a great federal water grab, all of these headwaters areas, and saying very clearly, that there is no way at this time that I know how we can resolve the downstream reserve water rights area.

I think there are some very legitimate issues in the flatland downstream. Now, that is one angle that we have taken in the state of Colorado, or at least that I have proposed after endless hours of discussion, and probably as much controversy as you have had here today, Senator McClure, and I know that you have looked at this.

Now, I know that we have, and I am not trying to invade any other state. I know that we tend to try to think of doing this on a state by state basis. But I was wondering if we might get reaction from all of you to maybe there is a template that is a more acceptable one that does not step on the toes of those who have very legitimate water rights.

But says that there is a way of doing this in the high country area, and this is as much and probably more a comment on legislation that I have introduced, Ms. Sheldon, as here.

Ms. SHELTON. Thank you, Senator Wirth. I think that it is very doable to develop—

Senator WIRTH. We have about three minutes.

Ms. SHELTON. I will speak quickly. A model language for water rights that can be used in a variety of wilderness bills for a variety of states. And the environmental community has met together to discuss the development of such a model, has in fact developed a model, and many of the features of that model are presently included in the Colorado wilderness bill.

I have that bill in front of me. In reviewing it, it does set forth a formula for providing water rights for wilderness which we think is very acceptable. In fact, we support this language wholeheartedly, and we think that it can be transferred to other states including Idaho, and we would like to see some effort in moving in that direction because it does resolve the issues that are resolvable.

It does not resolve them all, but it does take care of what can be done today and then leave some of the issues for the future.

Senator WIRTH. It is not a set of proposals that has received uniform acclaim in the environmental community in Colorado I can assure you I am getting eaten by the left—not the left—but one faction of the environmental movement saying that, you know, we have given away the store. And I do not think we have by any means.

It seems to me this is a fair proposal. In any case, I think it would be helpful to have at least back to me on whether or not the committee wants to include this in the Idaho record is up to the committee. But again, I do not want to get engaged in the controversies of Idaho.

[Title II of S. 1343 follows:]

101ST CONGRESS
1ST SESSION

S. 1343

To designate certain lands in the State of Colorado as components of the National Wilderness Preservation System, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JULY 18 (legislative day, JANUARY 3), 1989

Mr. WIRTH introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

A BILL

To designate certain lands in the State of Colorado as components of the National Wilderness Preservation System, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 SECTION 1. SHORT TITLE.—This Act may be cited as
4 the “Colorado Wilderness Act of 1989”.

* * * * *

20 TITLE II—WATER RIGHTS

21 SEC. 201. (a) FINDINGS.—The Congress finds and de-
22 clares that—

23 (1) where it exists in wilderness, water is vital to
24 those natural values and recreation uses that wilder-

1 ness, as defined by this Act and the Wilderness Act
2 (78 Stat. 890), is meant to provide for and preserve;

3 (2) the wilderness area designated by this Act are
4 situated at the headwaters of streams in the State of
5 Colorado;

6 (3) the express reservation of water for wilderness
7 areas designated by this Act will not diminish the pres-
8 ently adjudicated valid existing appropriative water
9 rights within or upstream of the areas designated as
10 wilderness by this Act;

11 (4) the express reservation of water for wilderness
12 areas designated by this Act will not diminish valid ex-
13 isting or future appropriative rights located down-
14 stream of the exterior boundaries of the areas designat-
15 ed wilderness by this Act and will benefit such rights
16 by maintaining existing stream flows and preserving
17 the natural ecosystems of the watersheds;

18 (5) the express reservation of water for areas des-
19 ignated wilderness by this Act will not diminish the
20 State of Colorado's right to use those quantities of
21 water apportioned pursuant to interstate compacts and
22 equitable decrees of the United States Supreme Court;

23 (6) the express reservation of water for areas des-
24 ignated wilderness by this Act is in lieu of the rights
25 that would otherwise be reserved by implication when

1 areas are included in the National Wilderness Preser-
2 vation System;

3 (7) the Federal water rights reserved by this Act
4 shall be in addition to express or implied water rights
5 previously reserved by the United States for purposes
6 other than wilderness; and,

7 (8) except as provided in subsection 201(b), this
8 Act is not intended to determine the existence or scope
9 of any express or implied reserved water rights created
10 in or arising from other Federal legislation.

11 (b) DETERMINATION.—(1) Therefore, the Congress
12 determines and directs that the United States reserve a quan-
13 tity of water sufficient to fulfill the purposes of the wilderness
14 areas created by this Act.

15 (2) For the purposes of State water rights administra-
16 tion, the priority date of the water rights reserved in this
17 section shall be the date of enactment of this Act.

18 (3) The Secretary shall, no later than two years after
19 the date of enactment of this Act, file a claim for the adjudi-
20 cation of the water rights reserved by this section in appro-
21 priate proceedings in the courts of the State of Colorado pur-
22 suant to the provisions of section 666 of title 43, United
23 States Code, and shall take all steps necessary to protect
24 such rights in such adjudication.

1 (4) Nothing in this Act shall be deemed to alter or
2 modify any interstate compact or equitable decree of the
3 United States Supreme court, effecting the allocation of
4 water between or among the State of Colorado and other
5 States.

6 (5) Notwithstanding anything contained in this Act or
7 any prior Acts of Congress to the contrary, the United States
8 shall not assert reserved water rights to waters in the North
9 Platte River for purposes of the North Platte Wilderness
10 Area located on the Colorado-Wyoming State boundary, to
11 the extent such rights would prevent the use or development
12 by present and future holders of valid water rights of Colora-
13 do's full apportionment of interstate waters within the State
14 of Colorado pursuant to interstate compact or equitable de-
15 crees of the United States Supreme Court: *Provided*, That
16 nothing herein shall excuse the Secretary from promptly ad-
17 judicating those rights in appropriate stream adjudications.

18 (6) The Congress hereby reaffirms section 102(a)(5) of
19 Public Law 96-560 (94 Stat. 3266) and the last sentence of
20 section 2(e) of Public Law 95-237 (92 Stat. 41).

21 (7) Nothing in this Act shall be construed as a precedent
22 for the designation of future wilderness areas in the State of
23 Colorado or any other State.

Senator WIRTH. But it seemed to me we have been around and around and around this issue, and we were trying to figure out a way, you know, that might strike a middle ground that would not harm anybody's water rights and might get us the wilderness that I think most people want to attain.

The other question that I have relates to timber sales and setting targets or setting quotas for timber. Senator Murkowski and Senator Burns and I were just up in Alaska, and I chaired hearings up there on the Tongass.

And one of the most contentious issues is the quotas, the ten year quotas that are built into the Tongass legislation. And the argument was made up there by witness after witness after witness that the Tongass is the only national forest where there is such a set of quotas. That nobody else has that. It is based upon the market and what can be sold and what seems to be appropriate in that particular year and what the forest supervisor and the Forest Service decides to do.

Is that true? Is it true that the Tongass is the only place where there is this kind of, we would call it, a quota or a target? What do we call it?

Mr. SCOTT. Senator Wirth, to my—

Senator WIRTH. Mandated harvest.

Mr. SCOTT. Yes. To my information, it is, and that is one of the problems that we have with S.371, the Idaho bill before us today, is that it would extend that concept in one ranger district and one national forest in North Idaho in a way that extends what was initially a bad idea in the Tongass much farther.

I think information is at hand which justifies the case that the purpose which Senator McClure has enunciated at earlier hearings and here today of assuring timber supply to the two mills that are tributary in the Long Canyon area can be accomplished at historical levels with the forest plan that is in place up there now.

Senator WIRTH. Again, I do not want to get into the merits. Senator McClure, I am sure, has very good reasons for putting this in there, and we are all concerned about the job base in our communities and our states and so on, and to keep that viable, and we have multiple use for forests.

It is just we have such a big squabble on the Tongass and that continues, and that is going to be one of the major points of contention as we try to resolve the Tongass issue. And I just wanted to clarify the statements that were made in Alaska to see if from your point of view that was true. That there was not any place where this kind of allowable—What do we call it? Mandated harvest.

Senator McClure, I appreciate being able to come over and just get some flavor of this. I am very pleased to see wilderness advancing wherever that is possible.

Senator McCLURE. I hope it is.

Senator WIRTH. I hope that we can, you know, we are after only a modest 750,000 acres in Colorado. I understand you are trying for three or four in Idaho, is that right? Six million. Thank you, Senator McClure. I appreciate it.

Senator McCLURE. Ladies and gentlemen, thank you very much for your testimony this afternoon. I appreciate it. As was an-

nounced earlier, the record will be kept open for additional statements. Thank you very much.

That concludes the meeting this afternoon. The Committee is adjourned.

[Whereupon, at 3:56 p.m., the hearing was adjourned.]

APPENDIXES

APPENDIX I

Responses to Additional Questions



INTERMOUNTAIN FOREST INDUSTRY ASSOCIATION

1989 AUG -7 PM 3:46
July 31, 1989

The Honorable Dale Bumpers
Chairman, Subcommittee on Public Lands,
National Parks, and Forests
United States Senate
Washington, DC 20510

Dear Chairman Bumpers:

In response to your letter requesting additional information for the record to supplement my July 20, 1989 testimony before the Subcommittee on Public Lands, National Parks and Forests, I submit the following:

Question: You have indicated that the release language in the bill is not sufficient. Do you have alternative release language?

In our testimony before the Subcommittee this year, and in 1988, on the Idaho Forest Management Act we presented our position that the proposed legislation does not provide adequate certainty about the future management of the roadless lands not designated Wilderness by the Act. In our view, providing additional legislative direction for these lands is necessary if the Act is to resolve the roadless lands dispute in Idaho.

In our June 21, 1988 statement before the subcommittee on this matter, we submitted proposed language to accomplish this objective. A copy of our statement is attached. The language of interest is included on page 5.

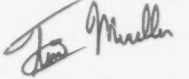
Question: Do you favor the Forest Service's updated release proposal?

Yes. The Forest Service's release proposal is designed to update the release language text developed in 1984. An update is necessary because new forest plans have been completed in Idaho pursuant to the National Forest Management Act of 1976. These plans supercede and replace the RARE II EIS as the Forest Service's evaluation and recommendations for management of roadless lands. Since the fundamental goal of the 1984 "standard release language" is to prohibit further litigation of Forest Service roadless area EISs, any new legislation intended to accomplish this same objective must now be directed to the portions of the NFMA plans which address the roadless areas. The 1984 language is obsolete because it focuses solely on the out dated Forest Service RARE II EIS.

To illustrate the need, consider that several administrative appeals and a federal lawsuit, in the case of the Idaho Panhandle National Forest, have been brought against the NFMA Forest plans completed in Idaho. Each of these actions contest the forest plans' treatment of the roadless area management question, relying primarily on the standard set by the Ninth Circuit's decision in California v. Block. Without specifically referencing the NFMA plans, the "release language" will do nothing to obviate these challenges, thereby failing to accomplish the primary objective for this section of the law.

I wish to be clearly on the record that, although we support the Forest Service's recommendations in this regard, the release updates alone will not meet our goal providing additional direction in the bill for the management of nonwilderness lands. The additional language discussed in response to your first question is needed in addition to the Forest Service proposed updates.

I appreciate this opportunity to further the record on this important matter and will be happy to provide any additional information if it would prove useful.

Sincerely, 

Tim Mueller

Z. 672527-1.2

Statement of
Intermountain Forest Industry Association
Before the Public Lands Subcommittee
of the
Senate Energy and Natural Resources Committee
S 2055
June 21, 1988

Mr. Chairman and members of the Subcommittee:

The Intermountain Forest Industry Association (IFIA) represents timber industry on all federal and state issues. On behalf of the industry, I am pleased to present the timber industry's views on S 2055.

The future of our industry is dependent upon the timely offering of timber sales planned for a portion of Idaho's nonwilderness roadless lands. In a June 16, 1987 report to the Congress, the Chief of the Forest Service accurately characterized this situation by noting that "a significant portion of the Idaho and Montana timber sale program in the next 10 years is dependent upon the development of those roadless areas to be managed for timber production." In Idaho, forest plans call for entry of about 18% of the nine million acres of nonwilderness roadless lands over the next 10-15 years. Several mills face immediate shortages unless planned sales in these roadless areas go forward and the timber sale levels from the national forests are brought up to adequate levels.

APPEALS AND PLANNING UNCERTAINTY THREATEN TIMBER SALES

Right now proposed roadless area timber sales in Idaho can and are being easily halted by environmental group appeals until the Forest Service determines if the new forest plans meet the Court's mandates of California v. Block. Even with a final plan in place, as is the case on all but one Idaho National Forest, there are appeals being filed. For example, last month the Chief granted a stay on all roadless area timber sales on the Idaho Panhandle National Forest. An identical stay request was filed by environmental appellants last week on the Clearwater Forest.

The option which has been selected in other states for removing roadblocks to roadless area timber sales is for Congress to simply pass a law which states, in effect, that the Ninth Circuit's requirements for review of wilderness suitability of roadless areas has been met for the time period covered by the first generation of the forest plans. Congress has enacted legislation to essentially do this in an attempt to resolve roadless area controversies in many states. Similar legislation has not been enacted for Idaho, and, despite the generally accepted notion that passage of such legislation would resolve the wilderness issue, the industry in Idaho is reluctant to support such a bill. Here is why.

Unfortunately, as useful as this provision seems on the surface, in reality it is proving largely ineffective in assuring entry of nonwilderness roadless areas. The provision blocks only appeals based upon the adequacy of the Forest Service's review of the area for wilderness. Therefore, any group which disagrees with timber sales in roadless areas simply finds a reason other than deficiencies in the Forest Service or Congressional wilderness review to appeal the Forest Service's decision. Given the number of available reasons that can be located in the U.S. Code or the Code of Federal Regulations, they can easily succeed in their efforts.

The aforementioned June 1987 Forest Service report indicates that "some National Forests have not been scheduling timber sales in the more controversial areas pending the completion of forest plans." The Agency notes further that "they have not been scheduling timber sales in some roadless areas in order to keep their options open in deciding how these lands are to be managed as part of the forest planning process." Entry into roadless areas has, therefore, been limited to date to the fringes of roadless areas, or into relatively noncontroversial areas.

Even though the Forest Service has refrained from entering controversial roadless areas, the data the Agency provided in June 1987 indicate that over one-sixth of the volume in scheduled roadless area sales has been appealed or litigated. This amounts to enough timber to run thirteen medium-sized sawmills and create 2800 jobs. There is, moreover, no reason to believe that controversial roadless areas will become any less controversial once an NFMA plan is finalized. Certainly, this was not the case with respect to the Idaho Panhandle or Clearwater National Forest appeals I discussed earlier.

Therefore, it is difficult to accept the Forest Service's assertion that, where there are completed NFMA plans, "the release language has been effective in minimizing the number of appeals on roadless area entries." There is no indication from the June 1987 report that the Agency can successfully and routinely enter controversial roadless areas. Only 7 percent of the last three year's timber sale program has come from roadless areas. The areas that have been entered -- and the data do show many -- are, by and large, sufficiently noncontroversial so that they might well have been entered unchallenged even without release language or completed forest plans.

The impact of this problem on the timber sales program in Washington, Oregon, and California has also been obscured by the availability of sales in already roaded areas returned to the government under the provisions of the Federal Timber Contract Payment Modification Act. This Act requires that reoffering sales which were returned to the Government in roadless areas be given priority over sales in roadless areas. Once this volume

runs out, the need to enter roadless areas to maintain timber sales levels, and accompanying controversy over this entry, will increase dramatically.

There is yet another problem with the Forest Service claim that completed plans for each national forest will solve the roadless area dispute. Aside from the fact that this approach places a huge amount of faith in the completion of the planning process to restore some measure of certainty to public land management, the release language in S 2055 makes clear that nonwilderness roadless lands -- the "released" lands -- are to be managed according to the final forest plans. However, this assumption ignores the serious potential impacts of recent litigation.

Consider the challenge raised on the Tongass National Forest by the City of Tenackee Springs and the Southeast Alaska Conservation Council. Last year, the United States Court of Appeals for the Ninth Circuit rendered a particularly troublesome opinion in the case.

The appellants contended that the EIS that covered road building and timber harvest in the Kadashan watershed on the Tongass was inadequate because it did not consider an alternative that would manage the area for unroaded uses. The Forest Service responded that the Alaska National Interests Lands Conservation Act (ANILCA) incorporated the RARE II analysis by reference, passing on the sufficiency of that analysis for the Tongass, and that there was no need to again consider whether the area should be managed for wilderness.

The Court found in favor of the appellants stating that, while ANILCA and RARE II settled whether to manage for wilderness, the Agency still had a responsibility to evaluate how to manage lands released for multiple-use management. In the Court's view, NEPA requires the Agency -- in the environmental analysis accompanying the timber sale -- to look at an alternative that does not manage the tract for timber harvest.

This decision could be read to indicate that, even after a forest plan is in place, project level EIS's will need to look at an alternative that does not involve management activity. The application of the Tanackee Springs decision on other forests will require the Forest Service to again consider managing the released areas for precisely the same uses that Congress released from in the wilderness bills. It is possible that the Agency could be required to perform project-level environmental impact statements on timber sales that are scheduled in roadless areas released by state wilderness bills with current release language, and allocate to timber production by final NFMA forest plans. There is simply no way for the Forest Service to maintain the present timber sales program if the Agency is required to develop

EIS's on each individual timber sale.

Moreover, what happens if the plans are not finalized because of administrative appeals and court actions designed to halt their implementation? In that case, our reading of the S. 2055 release provisions leads us to the conclusion that without final plans, development of nonwilderness, "released" roadless lands will be extremely difficult despite passage of wilderness/release legislation. The Forest Service's June 1987 report verifies this conclusion.

Furthermore, what is the status of the released areas during the appeal of a final forest plan? There is no basis to believe that completed final forest plans, with all appeals against them resolved, will be forthcoming in the near future. All final plans in Idaho have drawn administrative appeals, many of which seek to stay their implementation. Some of these appeals may ultimately reach federal court. Federal district court judge James M. Burns recently predicted a wave of litigation "making NEPA (litigation) look like child's play." He also noted that cases related to implementation of the National Forest Management Act will be "extremely difficult," with a lawsuit likely on each national forest. The Forest Service is asking us all to put our faith in a process which has not to date resolved the controversy which threatens our industry.

Given the ability of environmental groups to successfully find other avenues to halt roadless area timber sales, plus the difficulties facing the planning process, we are convinced that the release provisions included in previously passed wilderness bills will not, without additions, resolve roadless area controversies. Passage of this legislation will not allow entries into roadless areas as needed to maintain a reasonable timber sale program and as planned by the Forest Service.

In short, our industry is being asked to accept a significant withdrawal of land from the productive timber base, but with no assurance in return that we will be able to sustain our mills through an adequate timber sale program. Thus, the industry in Idaho is extremely wary of bills or proposals which are built around the "standard" release language. We cannot support such legislation.

Lest we be characterized as paranoid, bear in mind the recently made public goals of the Wilderness Society. In testimony before Congress, the Wilderness Society called for:

- A doubling of the size of the Wilderness System in the national forests.
- An end to nearly all new road construction in the national forests, and

- A 50 percent reduction in national forest timber sales by the end of the current planning period.

These goals clearly translate into a policy of no more roads or timber sales in currently roadless areas. Given these ambitious goals we must assume the Wilderness Society as well as others will use all means at their disposal to prohibit entry into all roadless areas. Existing release language will not prevent their legal efforts on individual projects. Nor, as I indicated with the Tenackee Springs decision, has this language proven to be any benefit to the Forest Service in sustaining legal challenges.

PROPOSED ADDITIONS TO SEC. 201

Legal closure in wilderness legislation has so far been restricted to only the designation of additional wilderness. Such designations are certain, permanent and not subject to legal challenge. Yet, while certainty is provided for wilderness, there is no similar certainty for resource development and use decisions. Ostensibly, certainty for resource use decisions is to come from the forest plans, but as we discussed above, the timber industry cannot view that process as providing the certainty needed for a firm or community to make prudent investment decisions.

The timber industry has developed a relatively simple amendment to the language currently included in S 2055. We believe that this amendment provides the certainty and protection that resource use decisions deserve. The amendment reads as follows:

(3) areas in the state of Idaho reviewed in such final environmental statement or referred in Subsection (d) and not designated wilderness upon enactment of this Act shall be managed for multiple use in accordance with land management plans pursuant to section 6 of the Forest and Rangeland Renewable Resources Planning Act of 1974, as amended by the National Forest Management Act of 1976; Provided, that such areas need not be managed for the purpose of protecting their suitability for wilderness designation prior to or during revision of the initial land management plans. Provided further, that individual activities conducted or proposed to be conducted in such areas pursuant to land management plans developed under section 6 of the Forest and Rangeland Renewable Resources Planning Act of 1974, as amended by the National Forest Management Act of 1976, or pursuant to unit or land and Resource management plans in existence at the time of passage of this Act, shall not be subject to administrative appeal or judicial review.

The amendment, presented in the full context of the current release language is included as an appendix to this statement.

Our amendment makes possible that the roadless areas planned for entry by the Forest Service will actually be entered by insulating individual decisions for timber sales and other management activities in these areas from administrative appeal or judicial review. Decisions to enter and log some roadless areas are developed under either the forest plans or, in a few cases, under "unit" plans.

Insulating individual timber sales or other development decisions from the appeals and litigation that might otherwise halt their implementation has several advantages. First, it does provide the equity upon which a true wilderness compromise should rest -- the wilderness designations are certain and the ability of the Forest Service to implement decisions to offer timber sales in Idaho's wilderness roadless areas are just as certain. Neither are "appealable" decisions, and both can be counted upon by those seeking the two land use classifications.

Second, our amendment does not affect the outcome of the NFMA planning process. Planning decisions are not included in the limitation on judicial review or administrative appeals. Therefore, the planning process can continue unaffected. Once completed, the final plans will govern the management of the released roadless areas and will determine both whether and how individual activities are conducted in accordance with all existing laws and regulations. Nothing in our amendment would limit the applicability of these plans to govern activities in released roadless areas. Additionally, nothing in our amendment will limit administrative appeal or judicial review of the plans.

Third, our amendment does not reduce the Forest Service's obligation to provide adequate environmental documentation in final forest plans so that the activities conducted pursuant to such plans comply with all applicable laws and regulations. For example, the Agency must still produce a plan governing these activities that passes NEPA muster. Also, the plan must still assure subsequent compliance with the federal Clean Water Act, the Threatened and Endangered Species Act, and all other environmental statutes, regulations, and procedures.

Fourth, our amendment would not be antithetical to the interests of reasonable participants in the forest planning process. The environmental community has invested considerable effort in influencing the outcome of the forest plans. Our amendment enhances the importance of forest planning while restricting only those appeals which from our standpoint represent an attempt to delay or halt timber sales in an area for which decisions have already been reached, a "third bite" of the

apple if you will.

Our amendment is a compromise from our original suggestion that all forest plan decisions be held above judicial review. We have listened carefully to those who envisioned the political difficulty of a Congressional declaration of the legal sufficiency of all forest plan decisions. We have modified our approach accordingly, and now propose that only individual decisions to enter a small portion of the roadless areas be insulated from appeal. The forest plans and the full range of decision in them, however, will remain subject to administrative appeal and judicial review. Our amendment does nothing to abridge the rights of individuals to appeal plan decisions.

In doing so, the amendment nevertheless anticipates the considerable legal difficulties facing the forest plans. Consider the revelations I described earlier regarding the planning process made by the Forest Service in its June 1987 document discussing timber sales in roadless areas. Consider further that the document also states that:

"It is therefore difficult to make any judgments as to how effective the release language has been in California, Oregon, and Washington since these states have only one completed Forest plan. However, the timber sale program to be established in the completed plans for these states will be heavily dependent upon successfully entering those roadless areas which are to be managed for timber production.

"The future of the timber sale program is dependent upon the successful entry of those roadless areas which are to be managed for timber production.

"Appeals and/or litigation of any magnitude which involve timber sales in roadless areas will have a direct and significant impact on the future timber sale program.

Clearly there is cause for concern over the future of timber sales in roadless areas, even if release legislation is enacted. While passage of legislation has apparently allowed some sales in noncontroversial areas in states with the legislation, it cannot be assumed that the language is completely effective. In fact, the Forest Service apparently knows that current release language will not shield them from legal action brought against sales in more controversial areas, at least until plans are complete. They do not offer sales in these areas. Our amendment assures that orderly, on-the-ground management of the National Forests will continue while plan appeals are being resolved. Inasmuch as plan appeals and litigation will certainly take years to fully resolve, this amendment constitutes a most important provision.

Finally, the record on various wilderness bills recently passed in other states clearly shows that Congress anticipated roadless areas entries upon passage of the legislation. IN addition, Section 6 of the National Forest Management Act mandates the Forest Service manage the national forests according to existing land and resource management plans until each forest can be managed fully the new plans. This amendment is simply a logical extension of these two previously well-established Congressional expectations.

As such, it is an opportunity to resolve an area of public policy debate that has been wrought with considerable uncertainty. This amendment, combined with enactment of suitable wilderness designations, is the best opportunity we can see to both end the wilderness debate as well as expedite the development and implementation of final forest plans.

S. 2055's TIMBER IMPACTS ARE SERIOUS

Beyond our concerns with the bill's treatment of the nonwilderness roadless lands, S. 2055 will have immediate and serious impacts on the already strained timber supply in many Idaho market areas. The impacts of the S. 2055 Wilderness proposals are threefold.

First, the bill proposes to make Wilderness several areas in which the Forest Service has scheduled timber sales already identified by the Forest Service for advertisement during the next 10 years will be prohibited during the next ten years. If S. 2055 is enacted, approximately 120 MMBF of timber sales sufficient timber to operate four medium size sawmills, like the Regulus Studs Mill in St. Maries, Idaho, for example, for one full year.

To exacerbate the gravity of the bill's impact on planned sales, the largest volume of cancellations will occur in the south Clearwater Valley market area, where current timber supply shortages are most severe.

Second, S 2055 will legislatively withdraw more than 180,000 acres of suitable timberland included in draft and final forest plans. Since the Forest Service calculates their Allowable Sale Quantity (ASQ) levels for each National Forest based on the principle of non-declining yield, reductions in the suitable land base due to Wilderness, designations will force the Forest Service to reduce ASQ levels in order to maintain non-declining timber schedules.

Throughout Idaho, our estimate of the total impact on ASQ levels will be nearly 26 MMBF/year reduction. Once again the

impact is most severe in the Clearwater Valley where current timber supply shortages are most severe. The Clearwater Forest will face ASQ declines of 12 - 15 MMBF/year if S. 2055 is enacted.

The third, and possibly the most troublesome impact of S. 2055 on timber supply considerations, is the designation of more than 400,000 acres of tentatively suitable timberland as Wilderness. Although the technical differences in Forest Service jargon, between tentatively suitable and suitable lands, are somewhat obscure, suffice it to say that the tentatively suitable lands are the commercial timberlands which the Forest Service has not scheduled for timber harvest at this time. However, these lands have an estimated potential timber yield of 110MMBF/year, and a study inventory of nearly 34 billion board feet. Furthermore, we believe these lands can, and should, be managed under the principle of multiple use including timber harvest.

Through the Forest planning process we have made specific recommendations to the Forest Service for management of these lands. Unfortunately, the Forest Service chose not to schedule timber harvest from these lands in the final plans which have been published to date in Idaho, in part because the Agency erroneously concluded that they were not needed to meet the timber supply needs of the local industry. In light of more recent harvest data, we believe the Forest Service has a clearer view of the timber supply needs in the state. As a result, we have requested the Forest Service reconsider their decisions to not schedule timber harvest from much of the tentatively suitable land base.

In sum, the continued health and viability of the forest products industry in many Idaho market areas is directly dependent on the Forest Service' ability to allow multiple use timber management on much more of the tentatively suitable timber land base. H.R. 2055 would legislatively preclude timber management on these lands.

TIMBER IS VITAL TO IDAHO'S ECONOMY

Forest products remain one of Idaho's most important industries. In 1986 there were about 5,000 workers employed in the industry earning more than \$420 million. Moreover, 1986 and 1987 have seen a substantial rebound in both demand for Idaho wood products and in prices for them.

In northern Idaho, the industry accounts for 40 to 50 percent of the areas economic base. Statewide, the industry supports nearly 20 percent of Idaho's economic base. Seventy-five percent of the people employed in forest products work in Idaho north of the Salmon river.

Despite extremely difficult operating conditions in the early 1980's, the forest products industry still is an important part of Idaho's overall economy. It has accounted for 20 - 25 percent of the entire state's economic base in the 1980's. Despite rough times, this percentage has remained constant.

The industry did lose employees during the early 1980's -- more than 4,000 -- but it was due to changes in industry structure and increased efficiency. In fact, about as much timber was harvested and processed in Idaho in 1986 than in 1979, a peak year. The current capacity to process timber is the same as in 1979. The sales value of wood and paper products also continues to increase from the low levels experienced in 1982. An estimated \$840 million in revenue for 1985 indicates that sales are approaching the peak seen in 1979.

Idaho is a beautiful state that all of us who are involved in making a living in the forest products enjoy. We are also pleased that many people from other states and countries enjoy visiting Idaho to enjoy its scenic beauty. We must question however, whether most of the non-resident travelers in Idaho visit wilderness areas. Also, a study published in 1986 by George Stankey and Robert Lucas of the USDA Intermountain Research Station in Missoula shows a decline in the use of wilderness areas across the U.S. and that most of the wilderness use continues to be in the long established wilderness areas.

SUMMARY

Idaho's timber industry cannot support, and, in fact, must work for the defeat of S. 2055 as it is currently drafted. There are two unacceptable shortcomings to the legislation: (1) the impacts on the timber resource are too great, and, (2) the release language does not resolve concerns over the Forest Service's ability to enter and manage the nonwilderness roadless lands.

S. 2055, if redrafted or amended to address these problems could, perhaps, be an acceptable vehicle for compromise. Recognizing that resource users other than the timber industry have a large stake in wilderness decisions, the timber industry is willing to explore with Senator McClure, Governor Andrus, and the Committee S. 2055's potential as a springboard to form such a compromise.

NOTE.—The Committee sent the enclosed questions to witnesses to be answered in writing for inclusion in the hearing record. As of the date of publication of this transcript, the Committee had not received responses to those questions.

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United States Senate

COMMITTEE ON
ENERGY AND NATURAL RESOURCES

WASHINGTON, DC 20510-6150

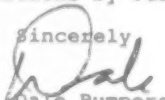
July 21, 1989

Mr. F. Dale Robertson
Chief
Forest Service
Department of Agriculture
Washington, DC 20240

Dear Chief:

Thank you for your testimony on July 20, 1989 regarding S. 371, the Idaho Forest Management Act. I have enclosed several questions to be answered in writing for inclusion in the Hearing Record. Please submit your responses to these questions by July 31, 1989.

Sincerely,


Dale Bumpers
Chairman

Subcommittee on Public Lands,
National Parks and Forests

DB:dmn

General

You state in your testimony that the Administration supports S. 371 if amendments are made to address your concerns with certain proposed wilderness designations, special management requirements, and release and sufficiency language. Would you support the bill if those amendments were not made?

Release

Have any timber sales in states where wilderness bills have been passed with "standard" release language been challenged on the basis that the plan did not sufficiently analyze the wilderness potential of an area?

Could you provide updated information on how many timber sales in roadless areas have been appealed and how many litigated by state?

Roads

How many miles of roads included in roadless areas would be excluded from wilderness if the bill passed with its current road provisions? Where are these roads located? How much acreage would be excluded?

Outfitters and Guides

Do any other wilderness bills include a provision allowing the future establishment of outfitter and guides campsites and shelters?

J. BENNETT JOHNSTON, LOUISIANA, CHAIRMAN

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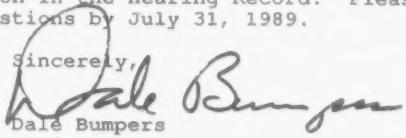
July 21, 1989

Ms. Karin Sheldon
 The Wilderness Society
 1400 Eye St., NW
 Washington, DC 20240

Dear Ms. Sheldon:

Thank you for your testimony on July 20, 1989 regarding S. 371, the Idaho Forest Management Act. I have enclosed several questions to be answered in writing for inclusion in the Hearing Record. Please submit your responses to these questions by July 31, 1989.

Sincerely,


 Dale Bumpers

Chairman
 Subcommittee on Public Lands,
 National Parks and Forests

DB:dmn

QUESTIONS FOR KARIN SHELDONWater

My understanding of the water language included in this bill is that it would be up to the Forest Service to pursue the acquisition of water rights necessary for the protection of the wilderness values of the designated areas. At the hearing, the Forest Service testified that it has no intention of doing so in this case because the proposed wilderness areas are located at the headwaters of streams, and there are no inherent conflicts. Historically, has the Forest Service aggressively pursued the acquisition of water rights in cases where there were potential conflicts?

Could you site particular cases where the Agency has not adequately sought to acquire water rights and consequently lands and resources have not been adequately protected?

Your testimony seems to imply that since there are no inherent conflicts with other appropriators of water in the potential wilderness additions identified in this bill, the water language included is not particularly problematic in this case. Rather, you are more concerned about the precedent it might establish. Is that correct?

There are those who would prefer that the determination of water rights in federally designated lands be decided on a state-by-state basis? Do you have any problem with that approach?

If wilderness water rights are indeed non-consumptive, is there any harm in securing them?

J. BENNETT JOHNSTON, LOUISIANA, CHAIRMAN

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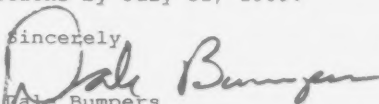
July 21, 1989

Mr. Douglas W. Scott
 Sierra Club
 730 Polk St.
 San Francisco, CA 94109

Dear Mr. Scott:

Thank you for your testimony on July 20, 1989 regarding S. 371, the Idaho Forest Management Act. I have enclosed some questions to be answered in writing for inclusion in the Hearing Record. Please submit your responses to these questions by July 31, 1989.

Sincerely


 Dale Bumpers
 Chairman

Subcommittee on Public Lands,
 National Parks and Forests

DB:dmn

QUESTIONS FOR DOUG SCOTTRelease

Could you comment on the Forest Service's suggestions that release language be updated to include sufficiency language for the new forest plans? Will such updated release language in any way hinder your ability to appeal forest plans or litigate where necessary on issues not directly related to the analysis of the wilderness potential of an area?

APPENDIX II

Additional Material Submitted for the Record

*Submitted for the Record
Subcommittee on Energy, Nat. Res., and Forests
Hearing on S. 371
July 20, 1989*

PAYETTE CONSENSUS GROUP

by Mike Medberry SOUTH FORK OF THE SALMON RIVER RESTORATION
ILL

August 22, 1987

A special consensus group was formed in 1984 to advise the Payette National Forest on sensitive issues that will be addressed in its final management plan. The group consists of a variety of resource users, including the forest products industry, state fish and game department, conservationists, tribal representatives, concerned citizens, ranchers, outfitters and guides and representatives of the Yellow Pine community. During its deliberations, the group identified one issue as having top priority: the need to restore fish habitat in the South Fork of the Salmon River.

Located in central Idaho, the South Fork historically sustained abundant wild anadromous and resident fish populations. It was the single most important tributary in the Columbia River system for summer chinook salmon. Today, because of a number of contributing factors, the river is severely damaged. Once productive spawning and rearing areas are heavily clogged with sediment and the wild fish populations are depressed.

Deterioration of the fish habitat has contributed to destroying local recreational fishing opportunities and has negatively impacted local economies. Downstream sport, commercial, and Indian ceremonial and subsistence fisheries dependent on successful production upstream have suffered as well.

Consequently, the consensus group unanimously agrees that South Fork fish habitat must be returned to its once productive state. We are committed to initiating this process with actions, not words. And we believe the time to begin is now.

Restoration of the South Fork is consistent with existing Indian treaty rights and several major legislative actions that mandate rebuilding the once productive Columbia River Basin fisheries. Under the Lower Snake River Compensation Plan, a hatchery was constructed in which to raise summer chinook to supplement the South Forks natural production. The 1980 Northwest Power Act's Fish and Wildlife Program directs that measures be taken to protect, mitigate, and enhance the naturally spawning summer chinook population. The recently concluded US-Canada Salmon Interception Treaty directs that depressed upper Columbia chinook stocks be rebuilt by 1998.

Activities designed to restore South Fork fish habitat, such as those on the accompanying list, have been identified through the consensus process. Implementing these programs will substantially reduce existing in-river sediment loads, future sediment inflows, and will enhance the river's natural ability to cleanse itself.

The consensus group strongly endorses these actions. We need your support to begin this innovative rehabilitation effort and to obtain a budget adequate to allow implementation. Your support for South Fork restoration will be a legacy to future generations which will be able to enjoy the multiple benefits from the River's valuable natural resources.

Inquires as to how you may help can be directed to the Forest Supervisor, Payette National Forest, P.O. Box 1026, McCall, ID 83638, (208) 634-8151.

THANK YOU

Bob Chadwick

BOB CHADWICK

Consensus Associates

Mike Schlegel

MIKE SCHLEGEL

Regional Wildlife Manager

Idaho Department of Fish & Game

Carl H. Nellis

CARL H. NELLIS

Chief, Program Coordination

Idaho Department of Fish & Game

RICK JOHNSON

Public Lands Director

Idaho Conservation League

JIM RILEY

Intermountain Forest Industry Association

Marsha A. Shriver

MARSHA A. SHRIVER

Concerned Citizen

Dave Van De Graaff

DAVE VAN DE GRAAFF

Forester

MIKE HILLMAN

Concerned Rancher

LEE JACOBSON

U.S. Senator Jim McClure's Office

JIM THRASH

Idaho Outfitter & Guide Assoc.

GERRY IKOLA

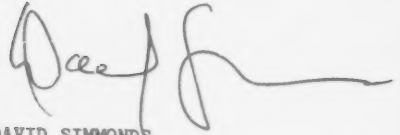
G. Ikola Inc.

JOHN BENDER

Boise Cascade Corp.

ROBERT COATS

Evergreen Forest Products



DAVID SIMMONDS

McCall Chapter

Idaho Conservation League



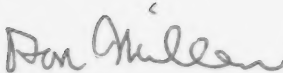
DON ANDERSON

Regional Fisheries Manager

Idaho Department of Fish & Game

ROGER O. LAKE

Concerned Packer



DON MILLEN

Village of Yellow Pine

Statement of Evergreen Forest Products, Inc.

Subcommittee on Public Lands, National Parks and Forests
Committee on Energy and Natural Resources
United States Senate
July 20, 1989

Re: S. 371, the Idaho Forest Management Act of 1989

Mr. Chairman and members of the subcommittee, Evergreen Forest Products is pleased to submit this statement for the record on S. 371, the Idaho Forest Management Act of 1989, drafted by Senator McClure and Governor Andrus. Evergreen Forest Products is unique among Idaho's major lumber producing companies in that we support this legislation. This statement explains why we favor the McClure-Andrus bill (despite certain misgivings), and proposes some amendments to Section 103.

S. 371 designates more wilderness in the State of Idaho when there is already a sufficient supply of statutory wilderness and declining public demand for that resource. The forest products industry in Idaho is concerned about that situation. In addition, this legislation fails to provide a fair *quid pro quo* for the new wilderness which it designates. Put simply, S. 371 does not provide protection and permanence for the national forest timber base upon which Idaho's wood products manufacturers depend. Mr. Chairman, we are in complete accord with our colleagues on these two points. Nonetheless, Evergreen Forest Products has decided to support S. 371. We do so for four very pragmatic reasons:

- The wilderness additions proposed within the Payette National Forest have been limited to areas with little commercial timber.
- The French Creek/Patrick Butte roadless area and the lower elevations of the South Fork Salmon drainage have been included within "special management" classifications that will not preclude planned timber harvests.
- The bill removes a major hurdle to development of the national forest roadless areas in Idaho which are not being designated wilderness by this legislation; it gets us out from under the heavy burden of the decision of the 9th Circuit Court of Appeals in *California v. Block*.
- Finally, we believe that this is the best state-wide wilderness compromise that can be produced for Idaho. If this legislation is not enacted into law, the wilderness debate will continue indefinitely, diverting the attention of all interested parties from the many other problems that face the national forests in Idaho. And, when an Idaho wilderness bill is finally approved, the size and number of wilderness areas contained therein will probably resemble closely the McClure-Andrus bill.

Before discussing the provisions of S. 371 that are of particular interest to our company, it is necessary to provide the subcommittee with background information about Evergreen Forest Products and the Payette National Forest.

Evergreen Forest Products

Evergreen Forest Products, is a family-owned lumber manufacturing company located at Tamarack, Idaho. Our sawmill processes approximately 40 million board feet (mmbf) of sawlogs annually. We employ about 85 people and spend approximately \$7.5 million annually for contract logging, payroll, and the local purchase of goods and services. Our Tamarack mill is almost entirely dependent upon timber from the Payette National Forest.

In early 1981, we began a program to improve the operating efficiency of our sawmill. This modernization program was the result of an extensive long-term planning analysis which we conducted in 1979. Our conclusion at that time – which has since proven to be correct – was that we had to update our mill and greatly expand capacity in order to remain competitive.

The core of our improvement program was construction of a state-of-the-art computer-assisted sawmill. In the first phase of construction, we built a facility to process small diameter logs, targeting for maximum utilization and recovery. The new "small log" mill was completed in 1982 and became fully operational in February 1983.

As part of our plan to reduce operating costs and increase revenues, in 1982 we also began building an electrical cogeneration plant. This facility burns wood waste from the lumber manufacturing process to produce steam for the lumber kilns and the generation of electricity. The cogeneration plant was completed in 1983 and has been working successfully since that time.

In early 1984, we initiated the second phase of the modernization effort. Additional equipment was installed in the new sawmill to process larger logs and to take full advantage of the advanced computerized resaw and lumber sorting facilities of the new mill.

The third and final phase of our improvement program – installation of a new planer and increased dry kiln capacity – was completed in early 1988. I am proud to report to you that our facility at Tamarack is now one of the most efficient in Idaho.

The Payette National Forest

Our only concern about the future is whether or not we will be able to buy enough timber from the Payette National Forest to keep the Tamarack mill operating at peak efficiency. We hope that enactment of this bill and implementation of the Payette Forest Plan will lead to a strong, reliable timber sale program. There is no question that the trees are there to accomplish that objective.

The Payette Forest contains 2,295,800 acres of land. Non-forest and land withdrawn from timber production total 943,900 acres. The remaining 1,351,800 acres were analyzed during preparation of the forest plan to determine timber suitability. This analysis showed that 8,200 acres were physically unsuitable and 522,700 acres were unsuitable due to reforestation problems. The remaining 821,000 acres were classified as tentatively suitable.

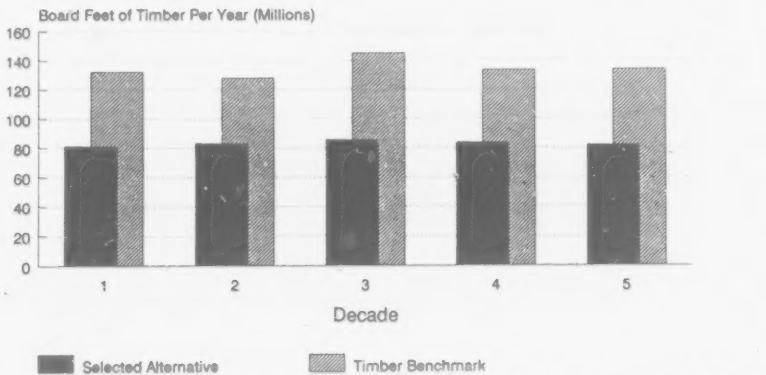
The net sawtimber volume inventoried by the Forest Service on the tentatively suitable land was 9.313 billion board feet, with annual net growth estimated to be 30.2 million board feet. The Payette Forest's potential timber growth, on the other hand, was estimated to be 200.6 mmbf per year. The reason for the discrepancy between actual and potential growth is that most of the timber stands on this forest are over-mature and are

thus growing at less than 25 percent of their potential. [Some 540,860 acres—66 percent of the tentatively suitable land—are stocked with trees that are either mature or over-mature.]

As part of its "benchmark analysis," the planning team from the Payette Forest estimated the maximum volume of timber that could be produced on a long-term sustained-yield basis from the lands classified as tentatively suitable. It was determined that approximately 130 mmbf of timber could be cut annually while providing basic protection of soil, water, and fish and wildlife resources. However, the Forest Service has dedicated 384,000 acres of the tentatively suitable land to uses other than timber, thereby limiting the proposed timber sale program to a range of 75 to 80 mmbf. (See Figure 1 for a comparison of the timber benchmark with the anticipated timber sale program.)

We have argued repeatedly that more timber should be offered for sale. It is outrageous that nearly half of the available supply will go to waste. The Forest Service knows that timber demand in this area is elastic; the local mills can, and will, purchase as much good-quality timber as is offered for sale.

Figure 1.
Potential Future Timber Sale Levels*
Payette National Forest



Wilderness and Roadless Areas

Congress has, on two prior occasions, set aside land within the boundaries of the Payette National Forest as wilderness (24,000 acres in Hells Canyon, and 770,000 acres in the Frank Church - River of No Return Wilderness). In addition, 21 roadless areas totalling 945,000 acres were reevaluated for wilderness during preparation of the Payette Forest Plan. Two of the areas—Needles and Secesh—were recommended by the

Forest Service for wilderness designation. Together, these two areas encompass 212,000 acres of land, bringing the total area designated or recommended for wilderness to approximately 982,000 acres, or about 42.8 percent of the Payette Forest.

Projections of wilderness use made by the Forest Service indicate that the capacity of the existing wilderness areas to accommodate visitors (without degrading appreciably the "wilderness experience") will not be exceeded for at least the next 150 years.

Given these facts, one would assume that roads will be built and timber sold in most, if not all, of the remaining roadless areas. Unfortunately, that is not the case. The Final Payette Forest Plan instead proposes to keep most of the existing roadless areas in an unroaded condition forever. That is the principal reason why the average annual volume of timber planned for sale during the next 50 years is approximately 60 percent of the timber benchmark.

Figure 2 and figure 3, below, vividly illustrate just how little existing roadless acreage will ever be roaded. Figure 2 shows the miles of road to be built per year on the Payette National Forest during each of the next five decades, and Figure 3 shows how the land of the Payette Forest has been allocated under the Final Plan.

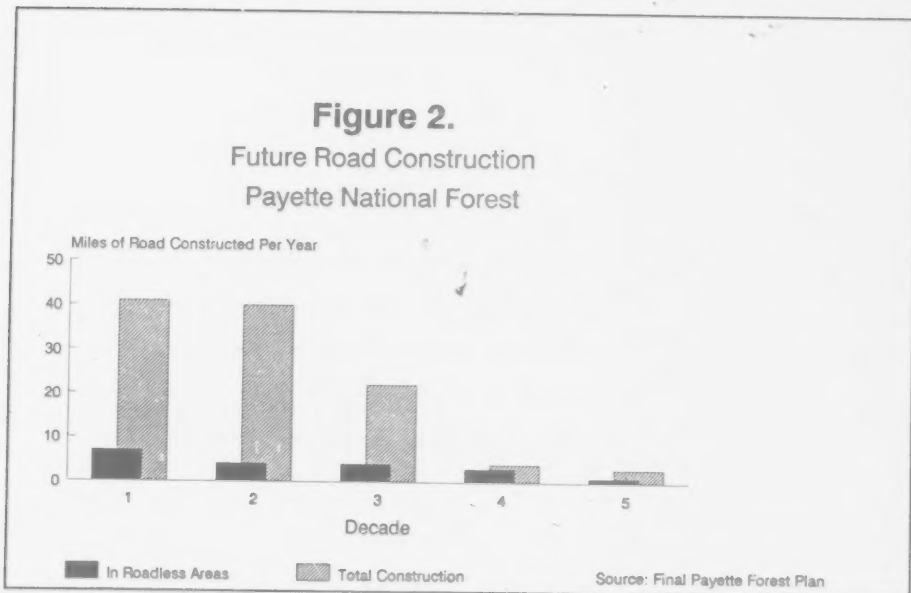
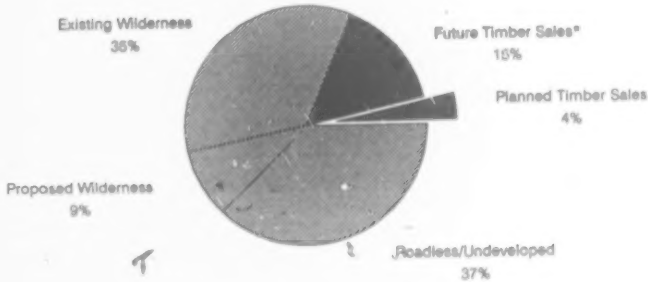


Figure 3.
Proposed Land Uses
Payette National Forest



Source: Final Payette Forest Plan

* After the next 10-15 years

Planned Roadless Area Development

The Record of Decision for the Payette Forest Plan states that:

"Actual change of the roadless character through scheduled timber [management activities will affect] approximately 179,000 acres or about 19 percent of inventoried roadless lands. Therefore, when the Forest Plan is revised in 10 to 15 years, over 80 percent or about 768,900 acres of the presently inventoried roadless lands will either be designated wilderness or remain roadless..." [ROD at p. 10.]

However, it is important to note that the pace of roadless land development anticipated during the first planning period will not be sustained in the future. While it is true that the Forest Service plans to develop about 179,000 acres during the next 10 to 15 years, only 83,800 additional roadless acres will be developed in subsequent planning periods.

As you can see, Mr. Chairman, Evergreen Forest Products operates on a national forest that consists primarily of wilderness and roadless lands. We believe that present Forest Service plans to severely limit future road building and timber harvests are just plain wrong. Without greater road access, the susceptibility of the Payette Forest to catastrophic events such as fire, insect infestations, and disease is increased unacceptably. That is one of the principal policy concerns raised in our appeal of the Payette Plan.

While we disagree with the management program selected by the Forest Service, we find the position taken by local and national preservation groups on this bill (and on Payette issues in general) to be even less acceptable. The preservationists claim that the Payette wilderness provisions of S. 371 are "woefully inadequate" and that certain roadless lands—most notably in the French Creek/Patrick Butte roadless area and the lower elevations of the South Fork Salmon River watershed—must be designated wilderness. They say

that if Congress does not preclude all development in these places, then the Forest Service will "permit the areas' destruction" and soon the Payette Forest will be little more than "a commercial tree farm."

Mr. Chairman, nothing could be further from the truth. As mentioned above, the Forest Service intends to keep over 80 percent of the Payette Forest forever roadless and undeveloped. And, an area-by-area examination of the agency's plans shows that the bulk of all of the existing inventoried roadless areas will remain indefinitely in an unroaded condition. (See Table 1 on the next page, which is reprinted from the Record of Decision for the Final Payette Forest Plan.)

However, the Final Plan does contemplate short-term development in the lower elevations of the inventoried roadless areas. In fact, according to Forest Service estimates, "[s]ales in roadless areas provide 23 percent (283 mmbf) of the total [Allowable Sale Quantity] during the next fifteen years." And, the Forest Plan states that: "If, for various reasons, a sale in an inventoried roadless area cannot be sold, that volume will not be replaced by a sale outside of existing roadless areas." [ROD at p. 7.]

That provision of the Payette Plan concerns us because it provides an additional opportunity for mischief to those individuals who would like to eliminate or reduce greatly the Payette's timber sale program. Moreover, it makes passage of an Idaho wilderness bill all that more critical. We do not linger under the illusion that the standard "release language" will protect timber sales within roadless areas from all challenges. However, we agree with the opinion expressed by Senator McClure that at least enactment of this bill will remove the "automatic" shut-down lever provided to the preservationists by the 9th Circuit Court of Appeals in its *California v. Block* decision.

The Right Bill at the Right Time

Mr. Chairman, S. 371 is the right bill at the right time. Senator McClure and Governor Andrus have produced a bill that limits new wilderness designations within the Payette National Forest to the two areas recommended for wilderness by the Forest Service. As mentioned earlier, these two areas (Needles and Secesh) have little merchantable timber and their designation as wilderness will not have a significant effect on the timber sale program now contemplated for the Payette National Forest.

In addition, the lower elevations of the South Fork Salmon watershed and the French Creek/Patrick Butte roadless area have been included within special management area classifications that should permit timber sale activities to proceed at a slow, but deliberate rate. These areas contain some of the best-quality, highest-value timber in southern Idaho as well as important fish and wildlife habitat. It has been obvious for many years that logging in these areas would be hotly contested, unless concrete assurances could be made that timber harvesting would not jeopardize restoration of the South Fork fish runs and maintenance of the French Creek elk herds. We think S. 371 provides a workable formula for responsible development of these areas.

Table 1
Comparison of Major Roadless Areas and
Changes Made Between the Proposed and Final Forest Plans

Roadless Area	Net Acres	Forest Plan Direction	Proposed	Final
French Creek/ Patrick Butte	168,215	Proposed Wilderness	0	0
		Undeveloped Recreation	116,852	116,852
		General Forest Management	49,874	49,874
		Research Natural Area	1,489	1,489
Secesh	259,682	Proposed Wilderness	108,103	116,189
		Undeveloped Recreation	125,962	125,962
		General Forest Management	22,841	14,755
		Research Natural Area	2,776	2,776
Needles (PNF)	130,204	Proposed Wilderness	95,816	95,816
		Undeveloped Recreation	9,005	9,005
		General Forest Management	25,383	25,383
Caton Lake (PNF)	48,678	Proposed Wilderness	0	0
		Undeveloped Recreation	40,499	45,019
		General Forest Management	7,020	2,500
		Research Natural Area	1,159	1,159
Cottontail Point/ Pilot Peak	98,532	Proposed Wilderness	0	0
		Undeveloped Recreation	47,023	47,023
		General Forest Management	51,509	51,509
Rapid River (PNF)	53,114	Proposed Wilderness	0	0
		Undeveloped Recreation	38,425	38,425
		General Forest Management	12,332	12,332
		Research Natural Area	2,357	2,357

Recommended Amendments to S. 371

Although we support the special management concepts embodied in sections 103. (a)(5) and 103. (a)(6), we recommend that the following amendments be adopted when the bill is marked-up:

1. On page 14, line 4, amend the second sentence to read as follows: "The goals of this management prescription are to produce timber from the productive forest land and to improve wildlife and fishery resources over all of the special management area."

Rationale: The final Payette National Forest plan proposes that the French Creek/Patrick Butte roadless area be subdivided among several different "management areas" and managed according to the following prescriptions:

The productive forest land, most of which lies adjacent to existing roads at low elevations will be managed for timber production. [This land is located primarily in Management Area 11 (Boulder/Goose) and Management Area 12 (Payette Lake).]

The higher elevation, more remote portions of the roadless area are to be left in an unroaded condition, where amenity values, such as fish and wildlife habitat, are to have top priority. [This is Management Area 10 (French Creek/Patrick Butte).]

The bill should recognize that the final Plan has already delineated how and where the timber/wildlife balance is to be achieved within the larger roadless area boundary. The language in the bill should preserve the balance which has already been achieved in the forest plan.

2. On page 15, line 4, strike the period and add the following clause: "unless an adjacent area of big game security is provided."

Rationale: This amendment is needed to bring the bill into precise conformance with the forestwide standards and guidelines for wildlife promulgated in the Final Payette Plan. [See page IV-34.]

3. On page 16, line 2, change the word "goal" to "goals" to conform with our recommended amendment 1.
4. On page 16, at the end of line 2, strike the period and add the following clause, "Provided, however, that nothing in this subsection shall, in and of itself, require amendment or revision of the Final Land and Resource Management Plan for the Payette National Forest dated May 6, 1988, prior to such time as that Plan would normally be amended or revised."

Rationale: We believe that the bill should make it clear that what is intended is to make permanent certain management prescriptions contained in the Final Land and Resource Management Plan for the Payette National Forest, and not to enact an entirely new set of management prescriptions which could require amendment or revision of the Payette Plan.

5. On page 16, at the end of line 15, strike the period and add the following clause: "Provided, however, that nothing in this subsection shall prohibit the transport of felled timber or other forest products over the roads inside the boundaries of the South Fork Special Management Areas, so long as such transportation is otherwise in compliance with such rules and regulations as the Secretary may prescribe."

Rationale: The map delineating the boundaries of the South Fork Special Management Areas excludes the existing road along the river itself. However, we believe that the language we have recommended makes it clear that timber may be hauled over this road.

6. On page 17, line 7, change the word "BOISET" to "BOISED" to correct a spelling mistake.
7. On page 18, after line 24, insert the following new paragraph:

"(D) Within one year after the date of enactment of this Act, the Secretary shall submit to the Committee on Energy and Natural Resources of the United States Senate and the Committee on Interior and Insular Affairs and the Committee on Agriculture of the House of Representatives, a report describing how the provisions of this subsection shall be implemented. Such report shall include a detailed schedule of activities to implement, test, and improve the sedimentation monitoring and mitigation program required by this subsection. The Secretary shall ensure that the sedimentation monitoring and mitigation program required by this subsection is implemented and tested within seven years after the date of enactment of this Act and a final report submitted to the abovementioned Committees of Congress within that seven year period of time."

Rationale: Evergreen Forest Products believes that the special management prescription for the South Fork Salmon area will help ensure that timber is eventually sold there. However, we are concerned that the schedule of activities proposed in the final Payette Plan will not permit a timely test and review of the provisions of subsection 103. (a)(6).

The final plan calls for only one small "research" timber sale—the so-called "Tailholt" sale—within the South Fork watershed during the next ten years. We believe that additional timber sales, conducted with careful planning and public involvement, must be scheduled within the drainage during the coming decade.

8. After the new paragraph "(D)" set forth above, add the following new paragraph:

"(E) Within 18 months after the date of enactment of this Act, the Secretary shall amend the the final Land and Resource Management Plan for the Payette National Forest dated May 6, 1988, to ensure that such Plan conforms to the provisions of this subsection, Provided, however, that the preparation of such amendment shall not require —

(i) public involvement comparable to that required by subsection (d) of section 6 of the Forest and Rangeland Renewable Resources Planning Act of 1974 as amended (68 Stat. 476; 16 U.S.C. 1601-1610); or

(ii) preparation of an environmental impact statement as might otherwise be required under subsection 102(2)(C) of the National Environmental Policy Act of 1969 (83 Stat. 852; 42 U.S.C. 431-4347), subsection (g)(1) of section 6 of the Forest and Rangeland Renewable Resources Planning Act of 1974 as amended, or the regulations promulgated pursuant to those Acts.

Rationale: Unlike the management prescriptions proposed for the French Creek/Patrick Butte area, the proposed prescriptions for the South Fork would — and should — trigger preparation of an amendment to the Payette Forest Plan. However, to assure that such amendment is promptly prepared and implemented, the requirements for additional public involvement and preparation of an environmental impact statement should be waived.

Conclusion

Mr. Chairman, Evergreen Forest Products appreciates the opportunity to once again present our views on the proposed Idaho Forest Management Act to the Subcommittee on Public Lands, National Parks, and Forests. We hope that the Senate Energy and Natural Resources Committee will mark-up this bill promptly so that it may be considered by the full Senate and House of Representatives in a timely manner.



July 14, 1989

Senator Dale Bumpers
229 Dirksen
Washington, DC 20510

Dear Senator Bumpers:

On July 20, the Senate Energy Subcommittee on Public Lands, National Parks and Forests will hold hearings on the Idaho Forest Management Act. I have sent to your office copies of additional testimony to be included in those hearings. We feel this testimony is very important and adds new information to this complex question. Please take a few minutes to review the information.

The BlueRibbon Coalition proposes Special Management Status for the Italian Peaks along with the Fall Cr.-Bear Cr. portion of Palisades. Currently, these areas are proposed for Wilderness. Much information has been submitted about the Fall Cr.-Bear Cr. area, but not much about the Italian Peaks. It's just been a name on a list or a spot on the map. The enclosed testimony corrects that deficiency.

Ironically, we've proposed Special Management for Fall Cr.-Bear Cr. because it lacks Wilderness characteristics, and Special Management for Italian Peaks because Wilderness designation won't protect its special features. We personally invite you to come and see for yourself!

Please let me know what you think of the testimony and our proposal. I'm looking forward to hearing from you soon.

Sincerely,

Adena Cook
Public Lands Director
891 Safstrom Dr.
Idaho Falls, ID 83401

**Idaho Forest Management Act
Testimony
Senate Energy Subcommittee
Public Lands, National Parks and Forests
Proposal for Special Management Status
Italian Peaks**

**By
The BlueRibbon Coalition
July 14, 1989**

Unique Character of the Italian Peaks

The Italian Peaks are located on the Continental Divide and on the border between Idaho and Montana. Have you ever looked at a map of the West and noticed a little peninsula of border where Montana extends down into Idaho west of Yellowstone? That's the Italian Peaks.

They're a small cluster of high, rugged mountains surrounded by equally high broad ridges and plateaus. A few lakes nestle at the base of the cirques. The streams are small and often dry; a few small springs are scattered here and there. The mountains hold the snow well and many trails can't be ridden until July, but one can reach the high broad ridges early. They are carpeted with white and purple wild phlox. Most game animals are plentiful, as well as mountain goats.

Past and Present Uses of the Italian Peaks

This area saw much more human activity in the past than present. Old mining cabins perch here and there. Bannack Pass, an important supply route to the early Montana gold fields, is nearby. Mining was important in the Nicholia area. Old tunnels and claims dot the hillside, and an intact ghost town sits at the top of Viola Gulch. Recreationists passing by enjoy visiting these remnants of industry and hardship.

Grazers and recreationists use the area now. Use is light. The trails that lead to the lakes are easy to follow, but many others are indistinct and vanishing. All recreation groups use the area: hunters, hikers, trail motorcyclists, equestrians, mt. bicyclists, 4X4's. Some trails have been administratively closed to ORV's. Because use is light and regulated, recreationists do not adversely affect the area. There is no user conflict.

The Italian Peaks are Important to Trail Motorcyclists

A rider can choose many kinds of trails in the same area. The broad ridges appeal to a beginner. The trails to the lakes are suited for intermediate riders. Advanced riders enjoy the challenge of the obscure, little used trails that connect large loop systems. All trails offer spectacular scenery.

Since 1984, the Idaho Falls Trail Machine Association has maintained trails in the Italian Peaks, averaging 32 miles of trail each year. This volunteer work greatly assists the Forest Service, whose budget for maintenance is small. Some of the obscure trails would have disappeared if not for trail motorcyclist maintenance.

Trail motorcyclists value the wilderness experience that the Italian Peaks offers. Since they are excluded from federally designated Wilderness, this is the only area in southeast Idaho where they can ride among such spectacular scenery. Trail motorcyclists have worked with the Forest Service to preserve the wilderness characteristics of the area, agreeing to trail closures where necessary. They want to continue to do so and want to continue to enjoy the area.

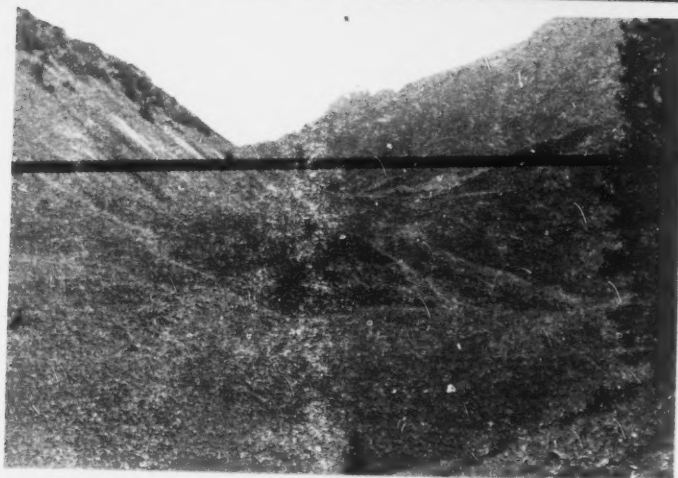
Wilderness Designation will not Protect the Italian Peaks

- * The diversity of recreation impact will be destroyed. Dispersed use will vanish. The lake areas will be over-used, trails to other areas will disappear.
- * Some trails pass through avalanche areas. Maintaining these will be impossible without a chainsaw.
- * The Fish & Game will not be able to enhance wildlife habitat.
- * Because the Italian Peaks are so rugged and arid, uncontrolled fires would destroy the area. A small fire in the Myers Cr. area 10 years ago caused severe erosion. Even today the area shows little sign of regrowth.

The Italian Peaks need the protection of active stewardship, not the neglect of wilderness designation. Those who care deeply about the area need to be able to take care of it. The BlueRibbon Coalition proposes a special management status for this area. All uses should be allowed at the present level of activity. Any increase in any use would require the implementation of a permit system. Diverse and dispersed use, assuring the best protection for the Italian Peaks, could continue.

Adena Cook, Public Lands Director
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August 2, 1989

Senator Dale Bumpers
Chairman, Senate Subcommittee on
Public Lands, National Parks & Forests
SD 308 Dirksen Senate Office Building
Washington, D.C. 20510

Re: Idaho Wilderness Bill, S.371 - Palisades Area

Dear Senator Bumpers:

For some six years now, The Anschutz Corporation ("Anschutz") has been providing testimony on various forms of an Idaho wilderness bill. Anschutz was unable, however, to testify at the hearings in Washington, D.C. held on July 20, 1989, for S. 371.

To ensure that the hearing record is complete, we enclose a copy of Anschutz's written statement submitted on last year's Idaho wilderness bill (S. 2055), which is identical to S. 371.

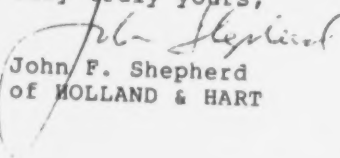
As you may recall, Anschutz has federal oil and gas leases in the Palisades area and is actively exploring that area. The enclosed statement describes a well which was being drilled at that time (the Grand Valley well), and which has since been completed. Although commercial quantities of hydrocarbons were not discovered, Anschutz gained valuable geologic information which it is analyzing for the purpose of focusing its exploration efforts on the portion of the Palisades designated as wilderness in S. 371.

HOLLAND & HART
ATTORNEYS AT LAW

Senator Dale Bumpers
August 2, 1989
Page 2

The enclosed statement recommends that Congress enact a compromise for the Palisades area in Idaho, namely, the language it used in the Wyoming Wilderness Act of 1984 for the portion of the Palisades in Wyoming. There is no reason to manage the Palisades in Idaho more restrictively than the Palisades in Wyoming.

Very truly yours,


John F. Shepherd
of HOLLAND & HART

cc: Beth Norcross
Jim O'Toole
JFS:slp

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June 17, 1988

Senator Dale Bumpers
Chairman, Senate Subcommittee
on Public Lands, National Parks & Forests
SD 308 Dirksen Senate Office Building
Washington, D.C. 20510

Re: Idaho Wilderness Bill, S.2055 - Palisades Area

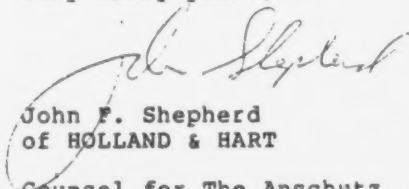
Dear Senator Bumpers:

We represent The Anschutz Corporation ("Anschutz"). Anschutz holds federal oil and gas leases in an area being designated as wilderness by S.2055 - the Palisades area in eastern Idaho. Anschutz is currently exploring for oil and gas there, and is therefore very concerned about the pending bill.

Anschutz is unable to testify at the June 21, 1988 hearing on S.2055 because the witness list has been closed for about a week. Accordingly, enclosed is a written statement by Anschutz explaining its operations in the Palisades area, its opposition to wilderness designation of the Palisades, and a compromise proposal.

Please include this statement in the permanent record for the hearings.

Very truly yours,


John F. Shepherd
of HOLLAND & HART

Counsel for The Anschutz
Corporation

cc: Beth Norcross
Frank Cushing

STATEMENT BY THE ANSCHUTZ CORPORATION
S.2055, "The Idaho Forest
Management Act of 1988"

Senate Energy and Natural Resources Committee
100th Congress
June 21, 1988

S.2055 designates as wilderness approximately 155,200 acres in the Targhee National Forest of eastern Idaho. (Sec. 102(q).) This area consists of three distinct units and is called the Palisades Wilderness. The Anschutz Corporation believes that wilderness designation of one of these units -- about 55,000 acres directly north of the Palisades Reservoir (see Map #21 to the bill) -- is contrary to the national interest in increasing domestic oil and gas production.

Anschutz testified at the March 10, 1988 field hearing in Idaho Falls, Idaho, and explained the geologic reasons why the Palisades area has the potential to contain giant oil and gas fields similar to the producing fields further south in the Overthrust Belt. We will not repeat that testimony here. Instead, in this statement we will (1) describe the current state of Anschutz's oil and gas exploration operations in the Palisades area, (2) explain why it is premature to designate the Palisades area as wilderness, and (3) propose a compromise that would protect the area for future wilderness consideration, yet allow oil and gas exploration and development to proceed.

I. The Grand Valley Well

After conducting extensive seismic operations and drilling four wells in the Palisades area (three in Idaho, one in Wyoming), Anschutz has identified what it calls the Grand Valley Prospect. This prospect is to the west of and adjacent to the proposed wilderness area.

Anschutz began drilling the Grand Valley well in late 1987. As of June 17, 1988, the well has been drilled to about 7,600 feet, with an objective depth in excess of 15,000 feet. The projected date for completion of exploratory drilling and testing operations is late 1988, or possibly early 1989.

The technical data from this well will then take from three to six months to analyze. If the well is a producer, or if the geologic information is encouraging (and Anschutz is confident it will be), the next logical step in the exploration sequence will be to commence further seismic exploration, and then drilling, in the area being proposed for wilderness. Based on the data previously acquired and the information currently being generated by the drilling of the Grand Valley well, the geologic structures and trend appear to extend directly into the proposed wilderness area.

We have recently been asked why, if the potential is so great, Anschutz has not yet commenced drilling in the area proposed for wilderness. The answer lies in the timing of issuance

of federal oil and gas leases in the area; it has nothing to do with a lack of sufficient interest by Anschutz. Leases in the area surrounding the proposed wilderness were issued in 1976-1977. However, leases within the proposed wilderness were not issued until 1982. Thus, Anschutz naturally began necessary field work and drilling operations on the older leases first. Anschutz has conducted geologic field studies and acquired regional seismic data on these newer leases; it is just now getting to a point in the exploration process where it would acquire the necessary high-tech seismic data and commence drilling operations within the proposed wilderness.

The problem Anschutz now faces, however, is that if the Palisades area is designated wilderness, as a practical matter exploration and development in that area could be foreclosed. This "closing of the door" is after Anschutz and its partners have spent some \$30 million searching for the giant field that may well be within the proposed wilderness.

II. Wilderness Designation for this Portion of Palisades is Premature

The 55,000 acres being designated as wilderness, as well as the surrounding 200,000 acres in both Idaho and Wyoming, were allocated by President Carter to "further planning" status at the conclusion of RARE II in 1979. The purpose of the further planning designation was to allow oil and gas exploration and development so that Congress would be able to make an informed

wilderness/nonwilderness decision for an area having such significant oil and gas potential.

Designating the Palisades as wilderness now -- before the Grand Valley well is even completed -- would short-circuit the exploration process contemplated by President Carter and deprive Anschutz and the nation of the opportunity to find out whether the Palisades does indeed contain a giant oil field. Whatever one's views on the national interest in setting aside more lands as wilderness, it cannot be denied that allowing companies to search for, discover and produce giant oil fields in the United States is also in the national interest. Thus, Anschutz submits that designating 55,000 acres in the Palisades as wilderness now, before Anschutz and the Government even know where oil and gas may be located in the Palisades, is contrary to the national interest.

In this regard, it is important to emphasize two points. First, if oil and gas is present in the Palisades, it is probably a giant field in terms of oil and gas reserves. Yet, as indicated by the producing fields further south, such a field would not cover a large geographic area. Only a small portion of the 55,000 acres in question would likely be affected by development operations.

III. Proposed Compromise: The Wyoming Wilderness Act Provision

Rather than make the wilderness/nonwilderness decision without benefit of information on the oil and gas resources in the Palisades area, Anschutz recommends that Congress use the same language it used in the Wyoming Wilderness Act of 1984, Pub.L.No. 98-550, for the portion of the Palisades Further Planning Area in Wyoming. In the Wyoming Act, Congress designated the Palisades as a "wilderness study area" where activities other than oil and gas would be subject to wilderness management, but oil and gas exploration and development would proceed "under reasonable conditions to protect the environment according to the laws and regulations generally applicable to nonwilderness lands within the National Forest System." (Sec. 301(c)(1).)

This was a carefully crafted compromise that was negotiated by Congressman Seiberling and the Wyoming Congressional delegation. (Anschutz was also involved in the negotiations.) Under that compromise, Congress postponed the wilderness/nonwilderness decision for the Palisades until 1994-95, when the forest plans would be revised. This would give "sufficient time and opportunity for lessees to either prove or disprove the [U.S. Geological Survey's assessment" of the area as having substantial oil and gas potential. Cong. Rec. S 13278 (Oct. 3, 1984) (Statement by Sen. Wallop); Cong. Rec. H 10892 (Oct. 2, 1984) (Statement by Rep. Cheney).

There is no rational basis for treating the portion of Palisades in Idaho any differently from the portion in Wyoming. Based on the extensive exploration work it has conducted, Anschutz believes the Palisades in Idaho has even greater potential than the Palisades in Wyoming. Accordingly, Anschutz requests that the Senate Energy and Natural Resources Committee amend S.2055 by deleting the 55,000 acres north of the Palisades Reservoir from wilderness designation, and instead use the provisions of the Wyoming Wilderness Act which apply to the portion of the Palisades in Wyoming.